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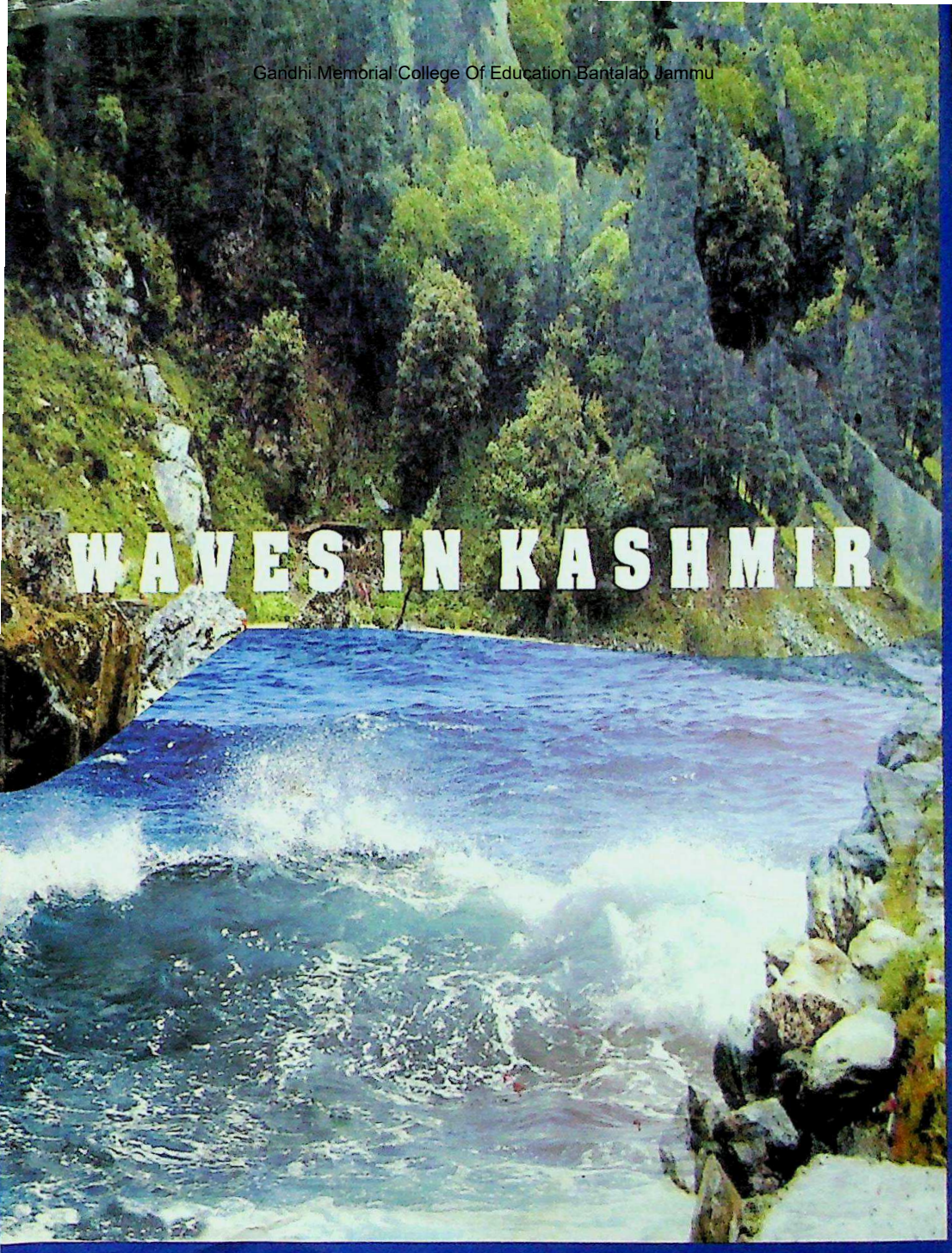

WAVES IN KASHMIR

M. L. KAK

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ABOUT THE BOOK

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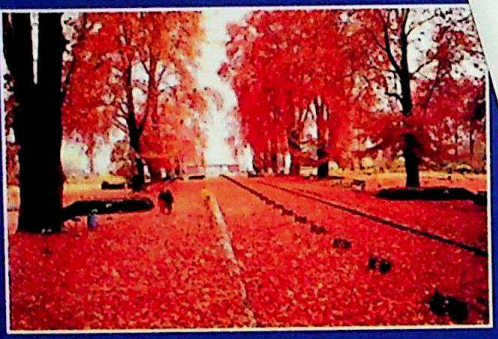

"Waves in Kashmir" is neither a piece of fiction nor a sermon on the political and security related developments in Kashmir nor reflects the glory and serenity of the ripples on the lakes of Dal and Nigin but it is the story of the predilections of the displaced people from the Kashmir valley following the rise of Pakistan sponsored insurgency in 1990.

It deals with the ebb and flow of memories, experiences and incidents in the minds of those displaced people who pined in plains longing to be back to the verdent valleys and snow-covered mountain slopes.

The book has mentioned a number of accords and agreements signed between the Kashmiri leaders and the Government of India,right from the Instrument of Accession to the 1986 Farooq-Rajiv Accord and analysed the merit and the shortcomings of these agreements.

The author has turned a bit poetic while painting the level of convulsions, frustrations, failures, successes that the displaced people have experienced in the plains,miles and furlongs and kms away from their homeland.

One may describe the book as an amalgam of post-partition history and the sentiments and aspirations of the displaced people with reference to their sweet and bitter memories of the past.

It reflects the saga of bloodshed,destruction of Government and private property and.above all the massacre of tolerance,faith in shrines and mutual trust that had flowered valley's culture and social ethos into Kashmiriyat.The author has made no firm commitment on the possibility of the return of the displaced people to Kashmir on the plea that the third and fourth generation of Kashmiri Pandits were in no mood to go back to the valley where they could not secure as highly lucrative jobs as they have been able to get in the plains and in foreign lands.

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Waves in Kashmir

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39-KV

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Acknowledgement

As was the case with my book "Jailed without crime" my wife,Shama and two daughters, Archana and Alpna, have been the main force that motivated me to write "Waves in Kashmir."

I am also thankful to my friends, Sheikh Qayoom and Ehsan Fazili,for having rendered assistance in writing the book.After several relations and friends of mine read my first book "Jailed without Crime" they were so much impressed by its content and presentation that they kept on goading me to complete the "Waves in Kashmir."

I am thankful to two former senior police officers for having assisted me in tabulating official material required for one chapter related to the use and seizure of arms and ammunition during the 20 years of militancy.I wish to conceal the identity of the two police officers for obvious reasons.

I am highly grateful to Mr A.N. Kaul Sahib, Editor- in- chief of Naad, for suggesting valuable changes after having gone through the manuscript of the book.

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Dedicated To

Babuji(my father) and Jigree(my mother) whose wish for being cremated in Kashmir, after their demise, did not materialise.
Also dedicated to all those whose "religion is ignorance."

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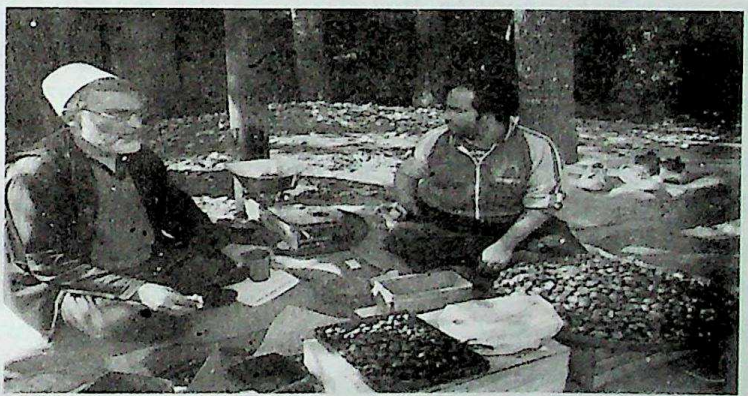
1

AWAY WITH NUTS IN MY MIND



Water chestnuts on sale

His name was Abdul Rahim.But for kids and adults in the vicinity of Rainawari,where I was born,he was simply Rahima.His importance in the area lay in his art of roasting water chestnuts,got from lakes,marshes and ponds,that used to dot the Kashmir valley.

Rahima's roasting of water chestnuts was not totally seasonal. After long years, I remember that the stuff used to be available in the market in the seasons of

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spring,summer and even winter. Even when it snowed, Rahima would remove snow from a corner of the road adjoining his shantie and start roasting the water chestnuts.

I am about 980 kms away from Srinagar and for the last several years I have been dreaming about Rahima with a winnow in his hands blowing air into a bundle of dry twigs under which black water chestnuts remained concealed.As the speed of winnowing increases the flames rise sharply to the sky from the cracking and creaking twigs. Within a few minutes Rahim's large hands would start pulling roasted chestnuts out of the embers.

The sale would start from one anna onwards.Rahima's face would wear a smile if a man or a woman purchased roasted water chestnuts for Rs.two to Rs.five.Decades after I do get a feeling of eating roasted chestnuts to my fill for rupees, one or two. Had Rahima been alive these days, he would have earned a fortune from roasting the water chestnuts on the backwaters of Yamuna,near Delhi, where 200 gms of water chestnuts(different in shape,size and colour from the stuff available in Kashmir)are sold for Rs.25 to Rs.30.

Eating roasted water chesnuts used to be the main pastime of kids and adults in the Mughal gardens, in the lawns(Devi Aangan) of the Hari Parbat fortress in the heart of the city of Srinagar.The picture is in my eyes.It is in my mind.Hopping to the sprawling Devi Aangan or the spacious garden(Waris Khan's Baagh) at the foot of

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the Hari Parbat fortress in the east,during the springtime when the almond trees were in bloom,for breaking the roasted chestnuts for bringing the white kernal out of the black veil.

The scene is still alive.We would keep roasted water chestnuts, one by one,on a small stone slab and pound it with another till its cover broke enabling us to pull the white kernal out of the covering.It tasted sweet.We used to be as crazy about water chestnuts (Singhara),in Kashmiri called *Goar* as kids are about fast food items,including Pizza,chips and paasta these days.

We would relish tasting roasted water chestnuts.Even the aged and the infirm would love to munch it.They relished tasting it because there was nothing else then of the type of roasted chicken or fried chips.Not many had any specific knowledge about the nutritional value of these nuts.I remember my grandfather(father of my mother)had developed diabetes,in common parlance it used to be called simply sugar.

To get rid of it he started consuming good quantity of water chestnut flour which is procured from grinding nuts in mills.He would take a dish prepared from its flour called in Kashmir *"Gaari Falahar."* I do not know the recipe for this dish.Besides this he stopped eating rice and instead banked on chapatis prepared of wheat flour.Within three months he had no diabetes.

Those who dealt with the water chestnut trade used to extract the kernal with a curved knife.Godging the

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kernal out of its cover was either done after the nuts were roasted or after they had been boiled.Its kernal for Muslims was *"Goaji"* and *"Meass"* for Pandits.Years after I have been able to realise that Pandits have been treating chestnut flour sacred because invariably this flour is used for preparing pakoras and Pooris during any auspicious day.Whenever the Pandits observe fast they would eat pooris prepared from water chestnut flour.

On these days of fasts Pandits would take fried chestnut kernals,I mean *Goaji* or *Meass* indicating that they would treat it sacred when compared to wheat flour or gram flour.

On a couple of occasions I had the privilege of receiving packets of *"goaji"* from some friends in Kashmir during years of migration. They could do so till I stayed in Jammu. Once I received these packets I would tell my wife to roast them, bake them or fry them. We had no inhibitions.On a couple of occasions we marinated these nuts with besan(gram flour)for preparing delicious pakoras.

After I left Jammu for good I could simply dream about water chestnut delicacy. Yes on a couple of occasions I purchased water chestnuts near the Yamuna belt in Delhi but they had not been as perfectly roasted as Rahima used to do. They tasted raw and after removing the covering there was oozing unknown in case of roasted Kashmiri water chesnuts.

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Water chestnuts is a tuber vegetable which has gained popularity as a cooking ingredient. In a number of Chinese cooking water chestnut is used in one form or the other. Actually it had originated in Southeast Asia which has vast reserves of fresh water ponds, marshes, lakes and slow moving rivers where roots of this aquatic plants grow.

The stuff is now grown in Japan, China, Taiwan and Thailand and its flour is available in all world markets, including the one in California. After more and more people were found eating water chestnuts researchers have found it to be an excellent food source with high dose of nutritional composition.

My wife did not know that it is free of cholesterol. Had she known it she would have consumed the nuts and their flour in kgs a month. She did not do it and now has to bank on a medicine that lowers the cholesterol level and each tablet costs Rs.18.For Rs.18 one could buy so much water chestnuts in Srinagar that one had no need to take breakfast or lunch.

Alas not many, not even those who relish eating it, know that water chestnuts are fat free and excellent source of potassium.

Not many among the displaced people, living in the plains since the exodus of 1990, know if at all they would be able to return and taste the roasted water chestnuts. It is surprising that my 13-year old grand daughter, Ahana, relishes eating water chestnuts, roasted or in the

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form of pakora. She has never been to Kashmir and hence she does not know the difference of taste between the one from Yamuna river in Delhi and the other got from the Wullar lake in Kashmir.

The non-Kashmiri nuts have a humpty dumpty body whereas the one from Kashmir is triangular in shape with sharp points on all the three sides.

Leave aside its food or nutritional value it reminds me of my childhood days.Whenever I am on my couch or bed, in "vacant or pensive mood," the picture of Rahima and people like him,roasting water chestnuts, flash upon my "inward eye" which may be the "bliss of solitude" or it may be a feeling of desolation over isolation from those people whom I would love,from those people whom I may not be able to meet within years to come

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2

THINGS WE HAVE MISSED IN EXILE

Icicles hanging by the walls

Have the displaced people from the valley of Kashmir missed anything or many things during their 21-year long forced exile in the plains of India? Yes, whatever the Kashmiri Hindus have missed, rather yearned for, while being away from the land of their birth is governed by age and individual temperament. But those who were born and brought up in the valley have not stopped loving Kashmir, its changing mood from season to season, its cascades, verdent slopes, snow covered mountains, dusty roads, choked and dirty lanes,

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old and dilapidated houses and shops, the new shopping complexes, palatial houses, orchards with trees stooping under the weight of fruit.

We have been missing large crowds, praying and weeping out their sorrows in mosques, temples and shrines. We have not forgotten groups of men and women seeking blessings from Pirs, faqirs, spiritualists and even soothsayers.

Those people displaced from the rural areas of the valley do remember groups of farmers, men and women, relaxing under the shady trees beside the runnels gossiping over a cup of salt tea. In the plains it is rare to see groups of burqa clad women. Thus we cannot forget rows of burqa clad women making it to the places of worship or to the markets in Kashmir. Yes, another contrast which we do not forget. Women, mostly students of educational institutions, moving out and about in jeans and T-shirts, some with bob cut others with pony tails dancing on their shoulders.

Those displaced people who had lived for more than 40 to 50 years in Kashmir have no reason to miss kids with dripping nose in the winter, mothers nursing kids suffering from frostbite during the days when icicles were seen hanging by the walls and by the ledge.

Non-vegetarians among us rejoice remembering butchers chopping lambs, cutting their bodies in different sizes as per the requirement of the customers. While each

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morning brought fresh air and hope it also saw thin layers of smoke rising to the sky from the shops of bakers. Many among us feel a nauseating feeling with the picture of fisher women smelling foul even with gleaming teeth looming large in front of us while dozing in the tents and the small flats or rooms.

No alternative but to recall vividly Muslim women singing wedding songs in Pandit families. Muslim and Pandit youths discussing politics, art, literature, philosophy and allied issues while sipping coffee in the coffee house or while gulping beer or liquor in bars and clubs without taboos of religion or inhibitions.

It used to be a common sight girls and boys exchanging amorous glances while footing their way to the educational institutions. Boys and girls exchanging love letters outside the college premises. Muslim and Pandit girls walking hand in hand to the schools and colleges. Pandit and Muslim boys swearing together by their gods, one swearing in the name of Bhagwaan and the other by the name of Allah. No friction over different names. No conflict while sharing cakes in the college and university canteens.

No problem for Pandits while finding groups of capped kids reciting the verses of the holy Koran in front of the bearded Maulvis. No tension over the ringing of temple bells or over the Muezzins'call from mosques beckoning people for offering prayers.

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And when the mercury rises high the displaced people heave a sigh with the scene of boatmen furrowing the calm surface of lakes and rivers in Kashmir dance before their eyes. When they get drenched with sweats during the monsoon they vividly recall boatmen breaking the frozen surface of the Dal, the Nigin lake and the river Jehlum for carving out a path for their boats.

Though we have been getting fresh vegetables in plains we do miss people digging deep pits (*Khaev*) where various vegetables, including knolkhol, turnip, raddish, used to be stored during the winter. And when the valley used to be hit by shortages, people would start getting small portions of vegetables stored in the pits buried under snow. The stuff used to be as fresh as if got from out of the refrigerators.

In the plains no need for drying various vegetables for use in the winter. Well I am crazy about some dried bottle-gourd, brinjals and tomatoes. Thank my friends in Kashmir who have been sending packets of dry bottlegourd to me. On top of them has been my colleague in The Tribune, Ehsan Fazili. His packet is shared by my daughter Alpna far away in California and by another daughter Archana living in Noida(UP).

Here in the plains we do not have sharp divisions in the seasons because one overlaps the other silently and quickly. It can be in a place like Kashmir where the summer-autumn is a season of mellow fruitfulness. Spring brings blossoms not only on the fruit trees but

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even on jasmine plants. We have been delighting on, even in exile, pink blossoms on almond trees, deep pink blossoms on apricot and peach trees. sharp indigo flowers on jasmine trees..

As usual winter is a season of house tops and roads buried under snow. A season of frozen lakes and rivers. A season with congealed water taps with people trying to make the pipes and the taps cosy by burning dry grass over them. Once the pipes feel the warmth from the flaming grass, water drips lazily.

One does remember, rather miss, those events in which Muslims and Pandits were together in sharing their grief, sorrows or even pleasures. Those very Muslims who remained silent, for obvious reasons, when Pandits were hounded out of Kashmir in 1990, used to arrange flowers, milk, incence and other items required by Pandits for offering prayers at the historic shrines and temples.

After all those were the days, still they are there, when Muslim porters and ponywallas keep on helping Hindu pilgrims in making it to the mountain cave of Amarnath shrine. In exile there are no Muslim men and women waiting for a share from the walnuts drenched during five-day prayers on annual Shivratri festival. Once in the plains Pandits do no longer await pieces of mutton being distributed by affluent Muslim families during the annual Eid-ul-Zuha. Only one thing is same. Long rows of beggars outside the temples and mosques in the plains in the

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same way they used to be outside the shrines in Kashmir seeking alms.

We have been missing to watch one of the wonders. Illiterate houseboat owners besides some shopkeepers conversing fluently, with little care for grammar, in English with foreigners.

We have been missing occasional quarrels among different families of boatmen on the banks of rivers and lakes. These querrels, at times, assuming so much loud dimensions that women, shouting against each other, would start baring their buxom bosom making strange gestures.

However, a change has taken place in Kashmir. People no longer stage protest demonstrations where the protesters attack police with stones and Kangris. That time is gone when people would fight with exchange of abuses. Sufi cult has been taken over now by gun culture.

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3

WATER WHITE DELICACY

While recalling my childhood days in Kashmir I am reminded of my grandmother, my mother's mother, who used to arrange for me a bundle of Kenboab (Water White), if not daily but twice a week. She would get it under a barter system.

Women from the interior of Dal and Nigin lakes would reap Kenboab, a wild fruit, and carry it in baskets. With baskets on their head they would sing "Moadr Kenboab hayev" (buy sweet water white) while moving in the streets. Many among them would stink because of their soiled dress and as a result of their chores on the water body but the fruit they would sell used to be quite fresh.

While sulking in the sweltering weather in the plains my mouth gets watered while reminiscing about the taste of Kenboab. It used to be strange in appearance, colour and taste. Just like large green bulbs which would burst or bloom with mild pressure from one's fingers. It would give out either white or creamy thick and solid foam type mass that one would relish eating.

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Other varieties used to be of pink or light purple colour but both the varieties had something like black cumin that one could taste while devouring the stuff. At times they used to be sweet and on other occasions they were tasteless. Still it was a delight for kids of my age to enjoy tasting Kenboab.

Kenboab is not cultivated. It is a natural grown fruit on the water bodies. Whether it is still there in Kashmir I do not know. Not many know about it and its origin. Not even 10 per cent people in the Kashmir valley know what Kenboab (water white) is. For days together I contacted a number of friends to find out the English word for Kenboab. They contacted even those who had master's degree in botany but they could not give an exact English word for Kenboab.

One day I talked about it to my friend, Sheikh Qayoom, a journalist, who informed me that Kenboab is water white. I informed those whom I had contacted earlier on the matter but they feigned ignorance indicating that Kenboab is lost in the pages of unwritten history. It is carved in the memory of those who used to taste it prior to mid 60's.

If majority of people in Kashmir have no knowledge about Kenboab they are not to be blamed. The fruit is no longer in circulation. Even if it continues to grow on its own on and around the Dal and Nigin lakes, people may not be knowing that it is worth tasting.

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Despite 21-year long Pakistan sponsored terrorism in Kashmir, the valley has kept pace with other Indian states and cities as far as fast food craze and tastes are concerned. For the last several decades I have not seen a woman carrying a basket of Kenbaebs on her head inviting buyers with a song or two in praise of the wild fruit.

Even if there are women around the Dal and Nigin lakes they would not dare pluck Kenbaeb and carry it to the market because they too know that children are now fond of Pizzas, Paastas, potato chips, kurkurre, chocolates, candies and cakes. If their mouth is dry they have icecreams and not Kenbaebs

Selling Kenbaebs was neither an organised trade nor a fulltime vocation. A handful of women would carry Kenbaebs from the lake waters and the buyers, including my grandmother, would resort to the barter system. The buyers would not pay for the wild fruit in cash or currency or coins but buy it after giving a bowl of broken rice or a few pieces of rock salt to the women from the lakes.

I am talking about the age of Kenboab when there was abject poverty in Kashmir. Because of the partition and the war, Kashmir had witnessed shortage of rice. As the Jehlum valley road was closed supply of rocksalt from Pakistan got blocked. Since Kashmiri dishes and cuisines, besides tea need salt these women would exchange not only Kenboab but other delicacies including lotus fruit *(pumbuchh)* and Lotus stem *(Nadroo)* for broken rice and pieces of rock salt.

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As a kid I did not know anything about the barter system. I had thought that those who have been selling Kenbaeb and lotus fruit favoured selling the stuff for rice and salt. Well during my stay in a town in Uttar Pradesh I have been able to see and buy lotus fruit but I have never had the fortune of tasting Kenbaebs.

I vividly recall my school days when we would hire a boat and row it over the Nigin lake. Our purpose used to be to steal a few lotus fruit which danced to the breeze over the placid water of the Nigin lake. That sweetness in the stolen lotus fruit is not to be found in the ones purchased from a riverside market in a town in Uttar Pradesh.

Even after the passage of 60 years, songs of one Sardarji, hawking while selling sweet home-baked biscuits, echo in my ears. Neither the songs nor the stuff that he used to carry in a small steel trunk on his head would enthuse kids of today. If Kenbaebs, lotus fruit or simple biscuits charmed us as kids in early 50's and 60's it was natural because for us choice was very limited.

Now there are wide and varied choices. Children have to order and their parents are ready and willing to oblige them with chocolates, potao chips, cakes, candies, Pizzas and scores of other fast food items.

I am sure if there are a few women or people like Sardarji seen roaming in the streets of Srinagar selling Kenbaebs and home-baked biscuits, they would be

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hounded out. They would be stoned and chased away because children may not want their parents to introduce wild fruits and handmade biscuits. Tastes have changed. Vision is enlarged. Children of early 50's and 60's used to accept any eatable for filling their stomach for fighting hunger. Children of today are more keen about dignity and about decency associated not only with one's behaviour but also with the dishes,delicacies and fast food items.

When my friends chide me for favouring status quo or reviving a tradition that existed 40 years ago I do feel apolgetic. I realise that development is the essence of civilization. Individuals, societies, families, states and nations have to develop, develop to the needs of modernisation. I do accept my mistake by pleading in favour of reviving the age of *Kenbaebs, pumbuchhs* and hand-made biscuits. But is it harmful if we move forward without snapping our past roots ?

Most of the doctors and health magazines have been warning people against the harmful effects of fast foods. But none had talked about the ill effects of kenbaebs and lotus fruit. Well I do not recommend giving up fast food in favour of Kenbaebs and lotus fruit or water chestnuts, I would suggest a sweet blending of the past with the present, I mean mixing Kenbaeb culture with the craze for fast food.

Let the botanists and other scientists experiment on the cultivation of Kenbaebs and lotus fruit on a large scale

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in Kashmir as the two commodities have export potential once they are declared as highly useful for good health.

There should be some medicinal quality in lotus fruit because dried fruit are used as one among various ingredients that are used by Hindus while performing Yagnas.

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4

CONTROVERSY OVER INSTRUMENT OF ACCESSION

Maharaja Hari Singh

From October 26 1947 till this day, the Instrument of Accession signed by Maharaja Hari Singh, the last Dogra ruler of Jammu and Kashmir, has been interpreted by different historians and constitutional experts differently. Though through this very Instrument of Accession the state of Jammu and Kashmir acceded to India but a line or two in the document is enough to

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equip anti-India forces with arguments for challenging the finality of the accession.

Apart from one clause in the document that entrusts only the foreign affairs, Defence and communication in the hands of the Government of India, two other clauses, besides an assurance that the Instrument of Accession would be ratified by the people of the state,are usually cited by those who question the irrevocability of the State's accession with India.

In clause seven of the Instrument of Accession, the Maharaja says "nothing in this instrument shall be deemed in any way to acceptance of any future constitution of India or to fetter my discretion to enter into agreement with the Government of India under any such future constitution".

He says in clause eight "Nothing in this instrument affects the continuance of my sovereignty in and over this state or, save as provided by or under this instrument,the exercise of any powers, authority and rights now enjoyed by me as Ruler of this state or the validity of any law at present in force in the state".

There is another section of writers who dispute the date of signing of the Instrument of Accession. In this connection I shall reproduce below excerpts from "The Myth of India claim to Jammu and Kashmir" from Alistair Lamb:

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INSTRUMENT OF ACCESSION

Instrument of Accession executed by Maharaja Hari Singh on October 26, 1947

Whereas the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act 1935, shall with such omissions, additions, adaptations and modifications as the Governor General may by order specify, be applicable to the Dominion of India.

And whereas the Government of India Act, 1935, as so adopted by the Governor General, provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof.

Now, therefore, I Shriman Inder Mahinder Rajrajeswar Maharajadhiraj Shri Hari Singhji, Jammu & Kashmir Naresh Tatha Tibbet adi Deshadhipati, Ruler of Jammu & Kashmir State, in the exercise of my Sovereignty in and over my said State do hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall by virtue of this my Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation

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to the State of Jammu & Kashmir (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India, on the 15th day of August 1947, (which Act as so in force is hereafter referred to as 'the Act').

2. I hereby assume the obligation of ensuring that due effect is given to provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the schedule hereto as the matters with respect to which the Dominion Legislature may make law for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of the State, then any such agreement shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or the Indian Independence Act, 1947, unless such amendment is accepted by me by Instrument supplementary to this Instrument.

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6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorizing the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purpose of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense, or, if the land belongs to me transfer it to them on such terms as may be agreed or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit in any way to acceptance of any future constitution of India or to fetter my discretion to enter into agreement with the Government of India under any such future constitution.

8. Nothing in this Instrument affects the continuance of my Sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

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Given under my hand this 26th day of October, nineteen hundred and forty seven.

Hari Singh

Maharajadhiraj of Jammu and Kashmir State.

ACCEPTANCE OF ACCESSION BY

THE GOVERNOR GENERAL OF INDIA

I do hereby accept this Instrument of Accession. Dated this twenty seventh day of October, nineteen hundred and forty seven.

Mountbatten of Burma

Governor General of India.

SCHEDULE OF INSTRUMENT OF ACCESSION

THE MATTERS WITH RESPECT TO WHICH THE DOMINION LEGISLATURE MAY MAKE LAWS FOR THIS STATE

A. **Defence**

1. The naval, military and air forces of the Dominion and any other armed forces raised or maintained by the Dominion; any armed forces, including forces raised or maintained by an acceding State, which are attached to, or operating with, any of the armed forces of the Dominion.

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2. Naval, military and air force works, administration of cantonment areas.

3. Arms, fire-arms, ammunition.

4. Explosives.

B. **External Affairs**

1. External affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty's Dominions outside India.

2. Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India or subjects of any acceding State; pilgrimages to places beyond India.

3. Naturalisation.

C. Communications

1. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.

2. Federal railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and services terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways

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in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

3. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.

4. Port quarantine.

5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.

6. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.

7. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.

8. Carriage of passengers and goods by sea or by air.

9. Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

D. Ancillary

1. Election to the Dominion Legislature, subject to the provisions of the Act and of any Order made thereunder.

2. Offences against laws with respect to any of the aforesaid matters.

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3. Inquiries and statistics for the purposes of any of the aforesaid matters.

4. Jurisdiction and powers of all courts with respect to any of the aforesaid matters but, except with the consent of the Ruler of the acceding State, not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exercising jurisdiction in or in relation to that State

Despite the fact tha the Maharaja has confirmed signing the Instrument of Accession on October 26,1947 and the then Governor General of India,Lord Mountbatten, too having,in his letter to the Maharaja, stated that the document had been signed by October 26 and not October 27 as claimed by Alistar Lamb

What does Lamb say ? I refer to the excerpts from his Book.

Excerpts from 'The Myth of Indian Claim to JAMMU AND KASHMIR —A REAPPRAISA' L by Alistair Lamb

The indian claim to jammu and kashmir -

A Reappraisal:

The formal overt Indian intervention in the internal affairs of the State of Jammu and Kashmir began on about 9.00 a.m. on 27 October 1947, when Indian troops started landing at Srinagar airfield. India has officially dated the commencement of its claim that the State was part of Indian sovereign territory to a few hours earlier, at some point in

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the afternoon or evening of 26 October. From their arrival on 27 October 1947 to the present day, Indian troops have continued to occupy a large proportion of the State of Jammu and Kashmir despite the increasingly manifest opposition of a majority of the population to their presence. To critics of India's position and actions in the State of Jammu and Kashmir the Government of New Delhi has consistently declared that the State of Jammu and Kashmir lies entirely within the sphere of internal Indian policy. Do the facts support the Indian contention in this respect?

The State of Jammu and Kashmir was a Princely State within the British Indian Empire. By the rules of the British transfer of power in Indian subcontinent in 1947 the Ruler of the State, Maharajah Sir Hari Singh, with the departure of the British and the lapsing of Paramountcy (as the relationship between State and British Crown was termed), could opt to join either India or Pakistan or, by doing nothing, become from 15 August 1947 the Ruler of an independent polity. The choice was the Ruler's and his alone: there was no provision for popular consultation in the Indian Princely States during the final days of the British Raj. On 15th August 1947, by default, the State of Jammu and Kashmir became independent.

India maintains that this period of independence, the existence of which it has never challenged effectively, came to an end on 26/27 October as the result of two pairs of closely related transactions, which we must now examine. They are:

(a) an Instrument of Accession of Jammu and Kashmir to India which the Maharajah is alleged to have signed on 26 October 1947, and;

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(b) the acceptance of this Instrument by the Governor-General of India, Lord Mountbatten, on 27 October 1947; plus

(c) a letter from the Maharajah to Lord Mountbatten, dated 26 October 1947, in which Indian military aid is sought in return for accession to India (on terms stated in an allegedly enclosed Instrument) and the appointment of Sheikh Abdullah to head an Interim Government of the State; and

(d) a letter from Lord Mountbatten to the Maharajah, dated 27 October 1947, acknowledging the above and noting that, once the affairs of the State have been settled and law and order is restored, "the question of the State's accession should be settled by a reference to the people."

In both pairs of documents it will be noted that the date of the communication from the Maharajah, be it the alleged Instrument of Accession or the letter to Lord Mountbatten, is given as 26 October 1947, that is to say before the Indian troops actually began overtly to intervene in the State's affairs on the morning of 27 October 1947. It has been said that Lord Mountbatten insisted on the Maharajah's signature as a precondition for his approval of Indian intervention in the affairs of what would otherwise be an independent State.

The date, 26 October 1947, has hitherto been accepted as true by virtually all observers, be they sympathetic or hostile to the Indian case. It is to be found in an official communication by Lord Mountbatten, as Governor General of Pakistan, on 1 November 1947; and it is repeated in the White paper on Jammu and Kashmir which the Government

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of India laid before the Indian Parliament in March 1948. Pakistani diplomats have never challenged it. Recent research, however, has demonstrated beyond a shadow of doubt that the date is false. This fact emerges from the archives, and it is also quite clear from such sources as the memoirs of the Prime Minister of Jammu and Kashmir at the time, Mehr Chand Mahajan, and the recently published correspondence of Jawaharlal Nehru, the Indian Prime Minister. Circumstantial accounts of the events of 26 October 1947, notably that of V.P Menon (in his The Integration of the Indian States, London 1965), who said he was actually present when the Maharajah signed,are simply not true.

It is now absolutely clear that the two documents (a) the Instrument of Accession, and (c) the letter to Lord Mountbatten, could not possibly have been signed by the Maharajah of Jammu and Kashmir on 26 October 1947. The earliest possible time and date for their signature would have to be the afternoon of 27 October 1947. During 26 October 1947 the Maharajah of Jammu and Kashmir was travelling by road from Srinagar to Jammu. His Prime Minister, M.C. Mahajan, who was negotiating with the Government of India, and the senior Indian official concerned in State matters, V.P. Menon, were still in New Delhi where they remained overnight, and where their presence was noted by many observers. There was no communication of any sort between New Delhi and the traveling Maharajah. Menon and Mahajan set out by air from New Delhi to Jammu at about 10.00 a.m. on 27 October, and the Maharajah learned from them for the first time the result of his Prime Minister's negotiations in New Delhi in the early afternoon of that day.

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The key point, of course, as has already been noted above, is that it is now obvious that these documents could only have been signed after the overt Indian intervention in the State of Jammu and Kashmir. When the Indian troops arrived at Srinagar air field, that State was still independent. Any agreements favourable to India signed after such intervention cannot escape the charge of having been produced under duress. It was, one presumes, to escape just such a charge that the false date 26 October 1947 was assigned to these two documents. The deliberately distorted account of that very senior Indian official, V.P. Menon, to which reference has already been made, was no doubt executed for the same end. Falsification of such a fundamental element as date of signature, however, once established, can only cast grave doubt over the validity of the document as a whole.

An examination of the transactions behind these four documents in the light of the new evidence produces a number of other serious doubts. It is clear, for example, that in the case of (c) and (d), the exchange of letters between the Maharajah and Lord Mountbatten, Lord Mountbatten's reply must antedate the letter to which it is an answer unless, as seems more than probable, both were drafted by the Government of India before being taken up to Jammu on 27 October 1947 (by V.P. Menon and Jammu and Kashmir Prime Minister M.C. Mahajan, whose movements, incidentally, are correctly reported in the London Times of 28 October 1947) after the arrival of the Indian troops at Srinagar airfield. The case is very strong, therefore, that document (c), the Maharajah's letter to Lord Mountbatten, was dictated to the Maharajah.

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Documents (c) and (d) were published by the Government of India on 28 October 1947. The far more important document (a), the alleged Instrument of Accession, was not published until many years later, if at all. It was not communicated to Pakistan at the outset of the overt Indian intervention in the State of Jammu and Kashmir, nor was it presented in facsimile to the United Nations in early 1948 as part of the initial Indian reference to the Security Council. The 1948 White Paper in which the Government of India set out its formal case in respect to the State of Jammu and Kashmir, does not contain the Instrument of Accession as claimed to have been signed by the Maharajah: instead, it reproduces an unsigned form of Accession such as, it is imposed, the Maharaja might have signed. There are, indeed, grounds for suspecting that he did no such thing. The Instrument of Accession referred to in document (c); a letter which as we have seen was probably drafted by Indian officials prior to being shown to the Maharaja, may never have existed, and can hardly have existed when the letter was being prepared.

Even if there had been an Instrument of Accession, then if it followed the form indicated in the unsigned example of such an Instrument published in the Indian 1948 White Paper it would have been extremely restrictive in the rights conferred upon the Government of India. All that were in fact transferred from the State to the Government of India by such an Instrument were the powers over Defence, Foreign Relations and certain aspects of Communications. Virtually all else was left with the State Government. Thanks to Article 370 of the Indian Constitution of January 1950 (which, unlike much else relating to the former Princely

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States, has survived to some significant degree in current Indian constitution theory, if not in practice), the State of Jammu and Kashmir was accorded a degree of autonomy which does not sit at all comfortably with the current authoritarian Indian administration of those parts of the State which it holds.

Not only would such an Instrument have been restrictive, but also by virtue of the provisions, of (d), Lord Mountbatten's letter to the Maharajah dated 27 October 1947, it would have been conditional. Lord Mountbatten, as Governor-General of India, made it clear that the State of Jammu and Kashmir would only be incorporated permanently within the Indian fold after approval as a result of some form of reference to the people, a procedure which soon (with United Nations participation) became defined as a fair and free plebiscite. India has never permitted such a reference to the people to be made.

Why would the Maharajah of Jammu and Kashmir not have signed an Instrument of Accession? The answer lies in the complex course of events of August, September and October 1947. The Maharajah, confronted with growing internal disorder (including a full scale rebellion in the Poonch region of the State), sought Indian military help without, if at all possible, surrendering his own independence. The Government of India delayed assisting him in the hope that in despair he would accede to India before any Indian actions had to be taken. In the event, India had to move first. Having secured what he wanted, Indian military assistance, the Maharajah would naturally have wished to avoid paying the price of the surrender of his independence by signing any instrument which he could possibly avoid signing. From the

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Afternoon of 27 October 1947 onwards a smoke screen conceals both the details and the immediate outcome of this struggle of wills between the Government of India and the Maharajah of Jammu and Kashmir. To judge from the 1948 White Paper an Instrument of accession may not have been signed by March 1948, by which time the Indian case for sovereignty over Jammu and Kashmir was already being argued before the United Nations.

The patently false dates of documents (a) and (c) alter fundamentally the nature of the overt Indian intervention in Jammu and Kashmir on 27 October 1947. India was not defending its own but intervening in a foreign State. There can be no reasonable doubt that had Pakistan been aware of this falsification of the record it would have argued very differently in international fora from the outset of the dispute; and had the United Nations understood the true chronology it would have listened with far less sympathy to arguments presented to it by successive Indian representatives. Given the facts as they are now known, it may well be that an impartial international tribunal would decide that India had no right at all to be in the State of Jammu and Kashmir.

The Indian Claim to Jammu and Kashmir - Conditional Accession, Plebiscites and the Reference to the United Nations:

While the date, and perhaps even the fact, of the accession to India of the State of Jammu and Kashmir in late October 1947 can be questioned, there is no dispute that at that time any such accession was

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presented to the world at large as conditional and provisional. In his letter to the Maharajah of Jammu and Kashmir, bearing the date 27 October 1947, the Governor General of India, Lord Mountbatten, declared that:

"Consistently with that in the case of any State where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance to the wishes of the people of the State, it is my Government's wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invaders the question of the State's accession should be settled by a reference to the people."

The substance of this was communicated by Jawaharlal Nehru to Liaquat Ali Khan in a telegram of 28 October 1947 in which Nehru indicated that this was a policy with which he agreed. The point is clear enough. A reference to the people would be entirely futile unless it contained the potential of reversing the process of accession. If the people opted for Pakistan, or indeed, for continued independence, then any documents relating to accession which the Maharajah may have signed would be null and void. Such documents would perforce be provisional, in that they could confer rights only until the reference to the people took place; and they were conditional in that they could not continue in force indefinitely unless ratified by popular vote. This point is as valid today as it was in late October 1947.

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Indian apologists have since endeavored to argue that the plebiscite proposal was personal to Mountbatten (which we can see it was not) and that it was in a real sense ex-gratia and in no way binding on subsequent Indian administrations. The fact of the matter, however, was that the plebiscite policy had been e*stablished long* before the Kashmir crisis erupted in October 1947. It was an inherent part of the process by which the British Indian Empire was partitioned between the two successor Dominions of India and Pakistan. Plebiscites (or referenda-the terms tended to be used at this time as if they meant the same thing) had been held on the eve of the Transfer of Power in August 1947 in two areas. In the North West Frontier Province, which possessed a Congress Government despite a virtually total Muslim population, and in Sylhet, a Muslim majority district of the non-Muslim majority Province of Assam, there had been plebiscites where the people were given the choice of joining India or Pakistan. In both cases the vote was in favour of Pakistan. The Sylhet Plebiscite is of particular significance in that it gave a Muslim majority district of a State with an overall non-Muslim majority the opportunity to join its Muslim majority neighbour, Bengal.

The value of the plebiscitary process continued to be appreciated in India after the British Indian Empire had come to an end. In September 1947 the Government of India advocated, as a matter of policy, the holding of a plebiscite in the Princely State of Junagadh. Junagadh was

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in many respects the mirror image of Kashmir. Here a Muslim Ruler, the Nawab, had formally acceded to Pakistan on 15 August 1947 despite the fact that the overwhelming majority of his subjects were Hindus. The Government of India were united in opposing this action. However, as Jawaharlal Nehru put it on 30 September 1947:

"We are entirely opposed to war and wish to avoid it. We want an amicable settlement of this issue and we propose therefore, that wherever there is a dispute in regard to any territory, the matter should be decided by a referendum or plebiscite of the people concerned. We shall accept the result of this referendum whatever it may be as it is our desire that a decision should be made in accordance with the wishes of the people concerned. We invite the Pakistan Government, therefore, to submit the Junagadh issue to a referendum of the people under impartial auspices."

In Indian eyes, in other words, Junagadh's accession to Pakistan, if it had any validity at all, could only be provisional and conditional upon the outcome of a plebiscite or referendum. India, moreover, considered that the need for such a reference to the people was specifically determined by the fact that a majority of the State's population followed a different religion to that of the Ruler. A plebiscite in Junagadh was duly held in February 1948, when the vote was for union with India. In Indian official thinking, it is clear, there was no question of a plebiscite in any State where both Ruler and people were non-Muslims.

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Thus when the Kashmir crisis broke out in October 1947 the plebiscite was already established as the official Indian solution to this order of problem. On 25 October 1947, before the Kashmir crisis had fully developed and before Indian claims based on the Maharajah's accession to India had been voiced, Nehru in a telegram to Attlee, the British Prime Minister, declared that: "I *should like to make it clear that [the] question of aiding Kashmir.....is not designed in any way to influence the State to accede to India. Our view, which we have repeatedly made public, is that [the] question of accession in any disputed territory must be decided in accordance with the wishes of the people, and we adhere to this view.*"

On 28 October 1947 the Governor General of Pakistan M.A. Jinnah, also agreed that the answer to Kashmir lay in a plebiscite, thus confirming the official Pakistan policy on this subject. From this moment the basic disagreement between the two Dominions, at least on paper, lay in the modalities for holding a plebiscite and what was understood by "impartial auspices".

The concept of impartial supervision of the determination of sovereignty had been present from the outset of the run up to the partition of the Punjab and Bengal in early June 1947. A number of possibilities had been considered at this period, including the request for the services of the United Nations (which had then been rejected on technical grounds arising in the main from

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the short span of time allowed for the partition process to be implemented). In connection with the Junagadh question, on 30 September 1947 Nehru made it clear that if the United Nations were to be involved (as a result, perhaps, of a reference to that body by Pakistan), and the United Nations issued directions, India would "naturally abide by those directions".

Between 28 October and 22 December 1947 there took place a series of Indo-Pakistan discussions over the Kashmir question, some with the leaders of the two sides meeting face to face, some through subordinate officials and some through British intermediaries acting either officially or unofficially. While frequently acrimonious, the general tenor of the negotiations was that some kind of plebiscite should be held in Jammu and Kashmir. At a meeting on 8 November 1947 between two very senior officials, V.P Menon for India and Chaudhri Muhammad Ali for Pakistan, a detailed scheme for holding a plebiscite in Jammu and Kashmir was worked out, with the apparent blessing of the Indian Deputy Prime Minister, Vallabhbhai Patel, in which the following principle was laid down : that neither Government [of India or Pakistan] would accept the accession of a State whose rule was of a different religion to the majority of his subjects without resorting to a plebiscite.

The 8 November scheme aborted; but the underlying principles remained on the agenda. There were two

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major questions. First : how and in what way should the State be restored to a condition of tranquility such as would permit the holding of any kind of free and fair plebiscite. Second: who should supervise the plebiscite when it finally came to he held. On both questions, after exploring a number of devices including the employment of British officers to hold the ring while the votes were being cast, the consensus in the Governments of both India and Pakistan by 22 December 1947 was that the services of the United Nations, either through the Secretary General or the Security Council, offered the best prospect for success, though Nehru continued to express in public his reservations about "foreign" intervention.

At this point Lord Mountbatten, the Governor General of India, explained to Liaquat Ali Khan, the Prime Minister of Pakistan, that the best way to get Nehru to decide finally in favour of reference to the United Nations was to permit India to take the first step, even if in the process Pakistan would have to submit to some measure of Indian "indictment" to which Pakistan would have every opportunity to make rebuttal at the United Nations. Liaquat Ali Khan, so the records make clear, accepted this proposal. On this basis, on 1 January 1948, India brought the matter to the notice of the Security Council of the United Nations.

The Presentation of the Indian case, the Pakistani reply, and the series of debates which followed over the years, have all tended to obscure the original terms of

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that Indian reference. This was made under Article 35 of the Charter of the United Nations in which the mediation of the Security Council was expressly sought in a matter which otherwise threatened to disturb the course of international relations. The issue was an Indian request for United Nations mediation in a dispute which had transcended the diplomatic resources of the two parties directly involved, India and Pakistan, and not, as it is frequently represented, an Indian demand for United Nations condemnation of Pakistan's "aggression". This point, despite much Indian and Pakistan rhetoric, can be determined easily enough by relating the contents of the reference to the specifications of Article 35 of the United Nations Charter. The United Nations was asked to devise a formula whereby peace could be restored in the State of Jammu and Kashmir so that a fair and free plebiscite could be held to determine that State's future. The matter of the Maharajah of Kashmir's accession to India was not in this context of the slightest relevance.

The Security Council of the United Nations responded to this request by devising a number of schemes for the restoration of law and order and the holding of a plebiscite. These were duly set out in United Nations Resolutions which, though never implemented, still remain the collective expression of the voice of the international community as to how the Kashmir question ought to be settled. The conditions set out by the Security Council of the United Nations have not been

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met in any way by the subsequent internal political processes (including a variety of elections) in the State of Jammu and Kashmir and in any of its constituent parts.

The situation in the State of Jammu and Kashmir remains unresolved, and it remains a matter of international interest. Given the background to and terms of the original Indian reference to the Security Council it cannot possibly be said that, today, Jammu and Kashmir (or those parts of it currently under Indian occupation) is a matter of purely internal Indian concern. The United Nations retains that status in this matter, which *it was* granted by the original Indian reference, and the Security Council still has the duty to endeavour to implement its Resolutions.

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5

ARTICLE 370 BREEDS SEPARATISM

Though Article 370 of the Constitution of India gives to the state of Jammu and Kashmir a special status within the Union of India the very spirit of this Article has cemented separatist trends in Kashmir. Wittingly or unwittingly people in Kashmir have been led to believe that they are a class apart from people in the rest of the country.

It is not that central laws cannot be extended to Jammu and Kashmir without the concurrence or approval of the state legislature which has given to the state an opportunity to think in terms of enjoying freedom but it is the perception, rather belief, of being not part of India which has given a handle to the separatists to demand final settlement of the Kashmir issue and to the Kashmir centric political parties to seek restoration of the original spirit of this Article.

Over the years the state legislature has given approval to the extension of several hundred central laws to Jammu and Kashmir. And the political parties that were

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party to the state legislature giving approval to the extension of various central laws to the state have started demanding restoration of constitutional position that existed in the state before 1953.

Interestingly all these central laws were extended to the state after 1953. The very application of the central laws to the state has been within the ambit of the Constitution of Jammu and Kashmir which provides for state legislarture's concurrence to it.

And a large section of people in Kashmir have been misled to believe that it is Article 370 that has stopped any cultural aggression from India. Though the original spirit of the Article stands diluted people and political leaders continue to swear by it. They believe that if Article 370 is repealed or withdrawn Jammu and Kashmir state may not receive special treatment from the Government of India as far as providing yearly heavy financial aid is concerned.

Another mistaken belief is that in the absence of Article 370 people from outside the state would settle in Jammu and Kashmir and alter its demographic character. Over the years many among Kashmiris believe that once outsiders settle in Jammu and Kashmir they would grab jobs in Government departments and seats in professional colleges in the state.

Those who harbour such fears need to be told that it is the state subject law of 1927 that does not give any

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right to non state subjects to either purchase immovable property in Jammu and Kashmir or seek jobs in the Government departments.

Notwithstanding the fact that Article 370 is a temporary constitutional provision the successive central Governments have not thought it prudent to either scrap it or tamper with it. It is so because the centre knows it fully well that the very essence of the Article has been lost after the success of the successive Governments of India in extending various central laws to the state.

Yes, one cannot rule out the possibility of Government of India agreeing to the demand for restoraton of autonomy to the state but it may be done within limits not going back to pre-1953 constitutional position.

What is this Article? Article 370 of the Indian constitution, which is of a temporary nature grants special status to Jammu and Kashmir. In view of its importance the text of the article 370 (Without amendments) is reproduced below

Article 370 of the Constitution of India (Temporary provisions with respect of the State of Jammu and Kashmir)

1. Notwithstanding anything in this Constitution:

a. the provisions of article 238 shall not apply in relation to the State of Jammu and Kashmir,

b. the power of Parliament to make laws for the said State shall be limited to;

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i. those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and

ii. such other matters in the said Lists, as, with the concurrence of the Government of the State, the President may by order specify.

Explanation—For the purpose of this article, the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the fifth day of March, 1948;

c. the provisions of article 1 and of this article shall apply in relation to this State;

d. such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify

i. Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph

(i) of sub-clause (b) shall be issued except in consultation with the Government of the State:

ii. Provided further that no such order which relates to matters other than those referred to in the last

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preceding proviso shall be issued except with the concurrence of the Government.

2. If the concurrence of the Government of the State referred to in paragraph

(ii) of sub-clause (b) of clause

(1) or in second proviso to sub-clause

(d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

3. Notwithstanding anything in the foregoing provisions of the article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may notify: Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.

4. In exercise of the powers conferred by this article the President, on the recommendation of the Constituent Assembly of the State of Jammu and Kashmir, declared that, as from the 17th day of November, 1952, the said art. 370 shall be operative with the modification that for the explanation in cl.(1) thereof the following Explanation is substituted namely:

Explanation—For the purpose of this Article, the Government of the State means the person for the time

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being recognised by the President on the recommendation of the Legislative Assembly of the State as the Sadar-i-Riyasat of Jammu and Kashmir, acting on the advice of Council of Ministers of the State for the time being in office.

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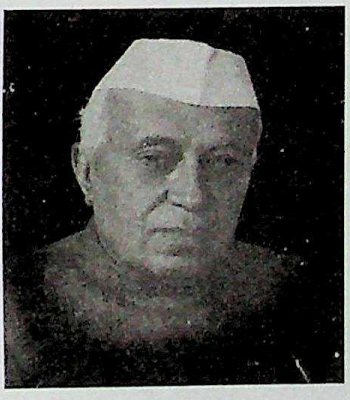
6

NEHRU'S MISTAKE KEEPS KASHMIR ISSUE ALIVE



Jawahar Lal Nehru

Soon after the tribals, aided by Pakistani troops, raided Jammu and Kashmir in 1947, India took the case of Pak aggression to the United Nations. The decision to knock the doors of the Security Council had full backing of the then Prime Minister, Jawaharlal Nehru. In fact, knowledgeable circles in New Delhi believe that Nehru was the author of the idea of taking the case of Pak aided tribal invasion on Jammu and Kashmir to the United Nations Security Council.

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By doing so Nehru had thought that he would be able to secure UN indictment of Pakistan. Being an idealist, Nehru had confidence in his political vision and popularity. He had not expected the USA and the UK to ditch him by giving a new twist to the Kashmir issue by encouraging, rather by being a party to it. The UN Security Council adopted as many as 32 resolutions on Kashmir between 1948 and 1971.

The crux of these resolutions was to hold a plebiscite in Jammu and Kashmir in order to ascertain the wishes of people of the State. Not only this, some of these resolutions facilitated UN intervention in Kashmir in one form or the other. It is the outcome of one of these resolutions that the men of the United Nations Military Observers Group(UNMOG) are still in Jammu and Kashmir despite New Delhi's cold shoulder treatment to them.

It is because of the UN Security Council resolutions that the demand for holding plebiscite in Jammu and Kashmir continues to be alive for all these 63 years.A stage has come when a senior separatist leader,Syed Ali Shah Geelani, has sent a letter to the UN Secretary General that the UN should intervene and force India to hold the plebiscite despite the fact that the UN resolution on Kashmir falls under chapter VII which provides for cooperation between India and Pakistan for implementing the resolution.

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If Nehru had committed the mistake of taking the Pak aided tribal attack on Jammu and Kashmir to the UN Security Council, his successors and other mainstream political leaders in India had failed to counter the Pak propaganda holding India responsible for not implementing the UN Security Council resolution providing for holding a plebiscite. These leaders failed to confront Islamabad by telling it and the world that since Pakistan failed to pull its troops out of occupied Kashmir alongwith Pakistani nationals, as provided in the resolution,it was not mandatory for New Delhi to hold the plebiscite.

For all these years the establishment in New Delhi has remained on the defensive whenever voices a rise demanding implementation of the UN security Council resolutions. And this very reticence and defensive postures had encouraged the UN Security Council to keep on adopting one resolution after another which simply promoted UN intervention in one form or the other. If one reads all these resolutions between the lines one would feel astonished over the way the US and the UK joined hands in intervening in the affairs in Jammu and Kashmir.

The UN security Council has played an active role in keeping its presence, though indirectly, in Jammu and Kashmir in one form or the other with the purpose of keeping the issue alive. Its role was that of a headmaster for 17 years (1948-65) during which period it kept on adopting one resolution or the other which aimed at

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legitimising UN role in the Kashmir imbroglio. After the Indo-Pak war of 1965, the UN engagement with Kashmir continued at a very nominal level till the 3rd Pakistan-India war of 1971 and completely ended with the signing of the Shimla Agreement in 1972, an Indo-Pak peace agreement, which laid emphasis on adopting a bilateral framework to solve the Kashmir imbroglio and kept the U.N out of the picture afterwards.

Experts say :- During the course of its engagement with the Kashmir conflict, spanning 23 years (1948-1971), the U.N passed a number of resolutions, which were aimed at mediation and resolution of the conflict. Between 1948 and 1971, the U.N Security council passed 23 resolutions on Kashmir Conflict.

The U.N resolutions regarding the Kashmir issue are not self-enforceable. In other words the resolutions are recommendatory in nature and can be enforced only if the parties to the dispute, viz. India and Pakistan, consent to their application. Indian refusal to implement the U.N resolutions on Kashmir was to relegate them to the margins of the conflict.

India lodged a complaint under Article 35 (Chapter VI) of the U.N Charter in the U.N Security Council on January 1, 1948, charging Pakistan with 'aiding and abetting' the Pakistani tribal invasion in Jammu and Kashmir. In the United Nations, India claimed that all the territories of the Princely State of Jammu and Kashmir

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legally belonged to her by virtue of the treaty of accession signed by the Hindu king of the Kingdom with the Indian Union. Two weeks later, Pakistan responded to the Indian complaint with counter charges. Pakistan denied having aided the raiders, accused India of annexing Kashmir and of trying to throttle Pakistan in its infancy. The first U.N debate on Kashmir started under the rubric of "Kashmir Question". However, the Pakistani delegation argued that the Kashmir Question had to be seen in the context of India's attempts to negate the existence of the newly born State of Pakistan and that the conflict in Kashmir was threatening the very survival of Pakistan.

The Pakistani argument was to prevail and the debate in the U.N shifted from "Kashmir Question" to " India-Pakistan dispute". The U.N Military Observers Group that was later established in the divided territories of Kashmir- with offices in both Indian administered Kashmir and Pakistan occupied-Kashmir- was to be known as "U.N Military Observer Group in India and Pakistan" (UNMOGIP) and not as "U.N Military Observer Group in Kashmir". The job of the group was to monitor, investigate and report complaints of cease-fire violations along the "cease-fire line" in Kashmir to the United Nations.

After hearing Indian and Pakistani representatives, the U.N Security Council passed its first resolution (Resolution 38) on Kashmir Conflict on January 17, 1948,

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calling India and Pakistan to exercise restraint and ease tensions. Three days later, on January 20, the Security Council passed another resolution (Resolution 39), creating the United Nations Commission for India and Pakistan (UNCIP) to investigate the dispute and mediate between the two countries.

Led by Britain and the United States, the U.N Security Council passed another resolution (Resolution 47) on April 21, 1948, which enlarged the membership of the UNCIP from 3 to 5 , called for cessation of hostilities between India and Pakistan, withdrawal of all Pakistani troops and tribesmen and bulk of Indian troops(except for a minimal number required for maintaining law and order), allowing return of refugees, release of political prisoners and holding of a U.N supervised Plebiscite in the (Princely) State of Jammu and Kashmir to determine the aspirations of her people. The Plebiscite was to be held by a U.N appointed Plebiscite Administrator. The U.N Security Council passed another resolution on June 3, 1948, which reaffirmed the previous resolutions and asked the UNCIP to proceed to the "disputed areas" to carry out its mission as stated under Resolution 47 of April 21, 1948.

The UNCIP reached the Indian sub-continent in July 1948 and after deliberations with Indian and Pakistani leadership, produced a proposal, which called for an immediate ceasefire and a truce agreement between India and Pakistan, withdrawal of all Pakistani tribals and nationals and bulk of India's troops. India rejected the

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proposals on the basis of the argument that the proposal did not apportion any blame on Pakistan-which India considered as the aggressor in Kashmir- whereas Pakistan rejected the plan as the Interim Administration of the Valley of Kashmir and the territories that had fallen under Indian control had been assigned to Sheikh Abdullah's control. Sheikh Abdullah, who had become the Prime Minister of the autonomous J&K State on March 5, 1948, was considered by Pakistan as India's ally and by implication could influence the plebiscite in India's favour. Pakistan also rejected the agreement on the ground that it was supposed to withdraw all its forces from the State whereas India was allowed to retain some of its troops to maintain order, which could potentially lead to coercion or intimidation of voters by Indian forces to influence the outcome of the proposed plebiscite.

On August 14, 1948, the UNCIP submitted proposals to the Indian and Pakistani governments, which for the first time contained an acknowledgment from Pakistan about the presence of its troops in the State of Jammu & Kashmir. The proposal envisioned the withdrawal of Pakistani troops and nationals and bulk of Indian troops from the State, subsequent to their withdrawal the administration of the territory was to be run by the Commission.

On December 11, 1948, the UNCIP laid out a new set of proposals that elaborated on the question of Plebiscite in the State of Jammu and Kashmir. As per the proposals "The question of accession to India or

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Pakistan was to be decided by a free and impartial plebiscite, which was contingent upon having a cease-fire".

The two countries accepted the cease-fire plan and allowed the U.N to observe the ceasefire from January 1, 1949. The ceasefire-line "went through the western part of Jammu and the eastern part of Poonch, leaving the capital city of Poonch on the Indian side of the line, then crossed the Jhelum River at a point west of Uri and made a large sweep following the valley of the Kishinganga River. From there, it proceeded to Kargil, which also remained on the Indian side, and then north-west to the Chinese border. Hunza, Gilgit, Baltistan, Chilas, the great part of Poonch, and the smaller part of Jammu remained in control of Pakistan and Azad Kashmir".

On January 5, 1949, the United Nations came up with a new plan for a plebiscite. To address Pakistan's fears that the Plebiscite outcome may be influenced in India's favour by Sheikh Abdullah-who was seen as close to Indian P.M. Nehru and had been appointed as the interim head of J& K Administration-and the limited Indian troops which were meant to maintain law and order during the plebiscite, the U.N proposed that the State of Jammu and Kashmir should be under the full control of the Plebiscite Administrator. The Plebiscite administrator was to enjoy quasi-sovereign powers over the State of Jammu and Kashmir. The proposal was rejected by the Indian side, which maintained that the State had become a part of the Indian Union.

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In December 1949, UNSC President General A. G. L McNaughton tried to mediate between India and Pakistan at the U.N but failed to manage an agreement between the two sides. McNaughton submitted a series of proposals, suggesting demilitarization of Kashmir to ensure an impartial Plebiscite in Kashmir. These proposals were rejected by India.

After the failure of Mc Naughton proposals, the United Nations replaced the UNCIP by a single U.N representative Owen Dixon in 1950.Owen Dixon, after meeting the officials of India and Pakistan, soon concluded that there was little or no hope regarding an Indo-Pak agreement on demilitarization proposals. Dixon came up with a set of proposals, which envisioned holding of 'regional plebiscites' in the State of Jammu & Kashmir. The proposals submitted to the U.N Security Council in 1950, suggested (a) holding a Plebiscite in the whole State of Jammu & Kashmir, region by region (b)holding a Plebiscite only in regions which were 'doubtful', the rest would constitute those regions that were expected to vote definitely either for an accession with either India or Pakistan. The doubtful region was meant to be the Valley of Kashmir. However India and Pakistan could not come to an agreement on the Dixon proposals. After the failure of Dixon, the U.N appointed Frank Graham as a U.N representative to mediate between Indian and Pakistan to get them to agree on

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holding a Plebiscite in Kashmir. Graham worked from 1951-53 without meeting any success. Frank Graham was followed by Gunnar Jarring in 1957 who also failed to make any headway on Kashmir.

In the wake of the termination of the mandate of UNCIP, The U.N Security Council passed Resolution 91 on 30 March, 1951, which established the United Nations Military Observer Group in India & Pakistan to monitor the ceasefire line (now called Line of Control, the border that divides Indian and Pakistani controlled parts of Kashmir) in Kashmir. The UNMOGIP still maintains its presence in both Indian-administered-Kashmir and Pakistan-administered-Kashmir.

On 23 January 1957, India's client regime in 'Jammu & Kashmir', led by Bakshi Ghulam Mohammad adopted a constitution for the State and a resolution ratifying the State's accession with India. Pakistan raised the issue in the U.N Security Council and a day after, the UNSC passed a resolution which reiterated the earlier U.N resolutions on Kashmir that called for a final settlement of the dispute "in accordance with the will of the people expressed through the democratic method of free and impartial plebiscite conducted under the auspices of the U.N." Thus the 1957 U.N resolution deemed any constitutional change undertaken by India within Indian-administered-Kashmir as irrelevant to the resolution of Kashmir conflict.

The Dixon Plan seemed to be the last serious endeavour on the part of the U.N to solve the Kashmir

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conundrum. Although Pakistan kept raising the Kashmir issue in the United Nations in the 60s, U.N involvement in Kashmir was considerably reduced after Indo-Pak war of 1965. In 1962 the Kashmir Question was again debated in the U.N Security Council. However, the UNSC failed to pass a resolution on Kashmir in view of a Soviet veto, which discouraged the UNSC from pursuing the Kashmir question afterwards.

The U.N was virtually elbowed out of the Kashmir dispute by Russia after the Indo-Pak war of 1965 when Russia negotiated the Tashkent Peace Agreement between the two rival nations on 10 January 1965. During the Indo-Pak 1965 war, the U.N passed a strongly worded resolution, calling on India and Pakistan to agree on a ceasefire. However it was only after intense pressure applied by the two superpowers, U.S and the Soviet Union that India and Pakistan agreed to observe a U.N sponsored ceasefire on September 29, 1965.

The last UNSC resolution (307) that dealt with Kashmir was passed in the wake of the India –Pakistan war of 1971, where Kashmir was not at the centre of the conflict between the two countries. The resolution could be passed only after India had declared a unilateral ceasefire. UNSC's attempts to pass resolutions during the 1971 war were blocked by a Soviet veto and with the signing of the Shimla peace accord between India and Pakistan in 1972, which laid stress on bilateral solutions to the Kashmir issue, the U.N involvement in Kashmir was in reality dead.

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The failure of the U.N in mediating a solution to the Kashmir dispute can be largely ascribed to Indian refusal to heed to the resolutions. India had taken the issue to the U.N, with the hope that the international body would declare Pakistan as an aggressor in the 1947-48 war and would help her to gain control over Pakistan-administered-Kashmir as India claimed the whole of Kashmir by virtue of the accession treaty signed by the Maharaja of Jammu & Kashmir with her. Contrary to India's expectations, the U.N called for a Plebiscite in Kashmir. Consequently India was to shy away from implementation of U.N resolutions.

The fresh delineation of the "cease- fire line" — which was originally established in 1949 after the Indo- Pakistan cease-fire in Jammu & Kashmir — in Kashmir by India and Pakistan in 1972 converted the "cease-fire line" into "Line of Control" (LOC), which from an Indian perspective turned the temporary border in the disputed territory of Kashmir into a defacto 'permanent border between' India and Pakistan. Pakistan was forced to accept the change in the wake of its defeat in the 1971 war. India contended that with the formation of Line of Control, the mandate of the UNMOGIP had expired.

However, Pakistan insisted that the "U.N Military Observer Group in India and Pakistan" (UNMOGIP) continue monitoring the LOC as it was a disputed border and that the "LOC" was in fact the original cease-fire line. India wanted the UNMOGIP to leave as it didn't

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want to accept any sort of international intervention in the Kashmir conflict. Since 1972 India has not reported to the UNMOGIP whereas Pakistan has continued to report Indian violations of the LOC to the observer group. While the movement of the UNMOGIP is unrestricted in Pakistan-administered-Kashmir, the observer group is nowhere in sight beyond their office premises at Sonawar locality of Srinagar. With its limited mandate, the group has played virtually no role in the conflict after 1972. Even during the Kashmir uprising in 1989-90, when hundreds of thousands of Kashmiris marched in pro-freedom processions in Kashmir Valley and when thousands crossed the LOC to receive arms training, the UNMOGIP remained in hibernation in its Srinagar office.

In October 2001, the UNMOGIP Chief, Major-General Hermann Loidolt described Kashmir as a "tormented country" and blamed India and Pakistan for playing games with Kashmir. The observer also described the LOC as a ceasefire-line and a disputed border, which fell under UNMOGIP mandate. The statement evinced a sharp reaction from India, which called the U.N observer's statement as 'uncalled for' and the Indian External Affairs Minister threatened to lodge a complaint in the U.N against the observer. Not surprisingly, Loidolt's statement was welcomed by Kashmiri separatist leaders.

The most recent U.N effort to engage with Kashmir came during the Indo-Pak border confrontation of 2002, when India mobilized half a million troops along its border with Pakistan to pressurize Pakistan to stop

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aiding insurgents in Kashmir.U.N Secretary General Kofi Annan's efforts to mediate during the crisis were snubbed by India. Kofi Annan was not allowed to visit India and to placate Indian fears, Annan stated that U.N resolutions on Kashmir were not "enforceable in a mandatory sweep".

U.N and the politics of separatism in Kashmir

Though U.N involvement in Kashmir has been reduced to a naught, the existence of U.N resolutions on Kashmir has greatly shaped Kashmiri political identity vis-a vis the Kashmir Conflict. The disputed status of Kashmir as declared by the U.N played on the psyche of Kashmiri people and strengthened their distinct political identity.

The U.N involvement in Kashmir has left a firm imprint on separatist politics and political mobilization in Kashmir. The Kashmiri separatist party, Plebiscite Front, alluded to and took its name from the U.N's notion of Plebiscite. The party was established in 1955 in Indian-administered-Kashmir by Sheikh Abdullah's close associate, Afzal Beigh and defined the Kashmiri self-determination movement for around two decades. In Pakistan-occupiped-Kashmir, a pro-independence party, also by the name of Plebiscite Front, was formed by Kashmiri nationalists. Though not formally linked to the Kashmir Valley-centered, Plebiscite Front, the Pak-occupiped- Kashmir based Plebiscite Front shared its political vision. Despite that, the U.N resolutions on Kashmir gave Kashmiris only two choices to determine their political fate, viz., accession to India or to Pakistan,

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the Plebiscite movement in both parts of Kashmir, while calling for a U.N referendum in Kashmir, wanted the inclusion of an independent Kashmir as a political option in the Plebiscite.

From 1955 to 1974, the words, Plebiscite Front and Plebiscite-known as *Mahaz-e-Rai Shumari* and *Rai Shumari,* respectively, in Kashmir- were to dominate the popular political discourse in Kashmir. 'Hold the plebiscite now, hold it fast', constituted the key slogans of the Plebiscite movement in Kashmir during the 1950s and 60s.

When uprising broke out against Indian rule in Indian-administered-Kashmir in 1990, one of the most shouted slogans during pro-independence processions was to be, 'Until a plebiscite is held, our struggle will continue'. During the heady days of the 1990 uprising, large pro-Independence processions of Kashmiris would often lead to the UNMOGIP headquarters in Srinagar to lodge protests and call on the U.N to implement its resolutions on Kashmir. In one such procession, more than a million Kashmiris marched upto the UNMOGIP headquarters in Srinagar on 1 March, 1990, shouting pro-freedom slogans and calling for a U.N supervised Plebiscite. The crowd also submitted memoranda to UN Secretary General urging him to intervene and push India into granting Kashmiris their 'right to self-determination'. Even now it is a common practice among Kashmiri separatists to send memoranda to the UNMOGIP in Srinagar, demanding implementation of U.N

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resolutions in Kashmir or the fulfillment of the right of self-determination of Kashmiris.

In the ongoing wave of pro-independence protests in Kashmir, Kashmiris are again looking towards the U.N with a faint hope. On August 18, 2008, responding to the call of separatist leaders who had called for a mass march up to UNMOGIP office, hundreds of thousands of people from the length and breadth of the valley converged near the Tourist Reception Centre, close to the UNMOGIP office in Sonwar locality of Srinagar to urge on the U.N to intervene in Kashmir. The sea of people - comprising students from schools, colleges and universities, doctors, teachers, para medics, thousands of Kashmir government employees, professionals and peasant masses - carried placards which read, "Stop Genocide of Kashmiris, Intervene UNO", " Ban ki -moon, Come soon", "We want Plebiscite" etc.

Representatives of the Kashmiri separatist leadership presented a memorandum (addressed to U.N Secretary General, Ban ki-moon) to the UNMOGIP observers, urging on the U.N to intervene in Kashmir. The memorandum, which was also published in the local press in Kashmir Valley stated, "... We the people of Jammu & Kashmir have firm faith in the institution of United Nations ,which has been working for the mitigation of the sufferings of the oppressed around the world, will actively engage/monitor and intervene in Jammu and Kashmir and ; A) Call upon India to end its

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forcible occupation of Jammu Kashmir and also desist from use of brute force against the people of Jammu and Kashmir. B) By itself take all effective measures in giving the people of the State , the chance to exercise their right to self-determination for deciding their future as has been conceded to them by Pakistan and India and approved by the United Nations Organization..."

Some of the protestors carried copies of the memorandum which had been circulated by the "Coordination Committee" of the separatist leadership.

In Kashmir's current media and popular discourses on Kashmir conflict, 'U.N- Kashmir relationship' has again come under focus. Kashmir Valley's largest selling English daily, Greater Kashmir, recently cited Zafar Shah, an eminent Kashmiri lawyer, as saying 'when armed resistance broke out in the valley in 1990, at least 600 memoranda were presented to the UN Observers stationed in Kashmir'. Shah, a Kashmiri nationalist, further said, "The U.N resolutions passed in 1948 are the backbone of the Kashmir struggle and give legitimacy to it"..

Despite the U.N's gross failure in Kashmir, the presence of UNMOGIP office in Kashmir continues to symbolically affirm the Kashmiri sentiment that their land is not yet another Indian State but an internationally recognized disputed territory and that their cause is a historical and just one.

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The words United Nations, Self-determination and Plebiscite have become integral to the Kashmiri political lexicon. Though the U.N has failed in bringing about a solution to the Kashmir conundrum, its past involvement in Kashmir Conflict has undoubtedly provided legitimacy and strength to the separatist argument in Kashmir. Ironically, on the one hand Kashmiri separatism has drawn strength from the U.N resolutions but on the other hand the framing of the Kashmir Conflict as an India-Pakistan (Inter-State) Conflict in the U.N has prevented international recognition of the Kashmiri nationalist movement as the defining characteristic of the present day Kashmir Conflict.

Notwithstanding the fact the various UN functionaries and members believe that the world body cannot settle the Kashmir issue it has not given up its role of a monitor watching the pollitical and security trends in the Indian subcontinent. However, the rise of Pakistan sponsored proxy war against India in Jammu and Kashmir has started changing the perception of the US and the UK towards India and its policy on Kashmir

In various political quarters it is believed that the former UN Secretary General Kofi Annan in March 2001, commented on 1948 Kashmir resolution and said " this resolution can't be implemented. It's a non-binding resolution. You can't revive a document which is 50 years old".

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Despite the fact that UN officials stated that Anan's statement has been misquoted, It has been widely misquoted and is weird because Secretary General can never term a UNSC resolution as non-binding, Kofi Annan is said to have expressed views which could have been nearer to the general belief that the UN resolution had become part of history.

That was not what he said at all, said Huanji. As you can see on 10 March 2001, he was asked by a journalist in Islamabad if the UN would be interested to implement its resolutions as it implemented in East Timor ? The Secretary General replied "I think the UN resolutions on Kashmir are on record and the UN has observers in the region. We have UNMOGIP. In fact, the Chief Military Observer is here.

Secretary General said "You are comparing apples and oranges". When it comes to implementation of resolutions, I think we have to be clear here. The UN has two types of resolutions — enforcement resolutions under Chapter VII and other resolutions. The resolution you are referring to here comes under Chapter VI, which requires cooperation of both parties to get implemented. The two parties discussing these issues and finding a peaceful way is the route I recommend."

United Nations Secretary General Kofi Annan has said the UN will not disengage itself from Kashmir problem. According to the UN Charter any resolutions approved under chapter VI , it is the duty of UN Member States to

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persuade both the parties for a dialogue. On record the UN and its member States are no doubt fully complying with the UN Charter and persuading both Pakistan and India for bilateral dialogue.

It may be pointed out that the Kashmir Plebiscite UNSC Resolution text was drafted by India, lobbied by India and all the five permanent UN Security Council members including United States, United Kingdom, Russia, China and France unanimously voted for the resolution, but ignoring to say a word to India for not abiding by the approved resolution. Interestingly in a White House press briefing on July 4.1999 a senior U.S official termed UNSC Kashmir plebiscite Resolution an "oid history".

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7

DELHI AGREEMENT OF 1952 SOWED THE SEEDS OF AUTONOMY

Following reports on demand for "azadi" surfacing in the Kashmir valley soon after the report of the Constituent Assembly that was constituted in 1951, the Government of India thought it better to have a detailed interaction with the representatives of the Government of Jammu and Kashmir for the purpose of working out a constitutional and an administrative arrangement which could leave no scope for misgivings and misunderstandings.

After the Constituent Assembly of the State had taken important decisions, it was deemed necessary to receive the concurrence of the Indian Government. Accordingly, the representatives of Kashmir Government conferred with the representatives of Indian Government and arrived at an agreement. This arrangement was later on known as the "Delhi Agreement, 1952". The main features of this agreement were:

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(i) In view of the uniform and consistent stand taken up by the Jammu and Kashmir Constituent Assembly that sovereignty in all matters other than those specified in the Instrument of Accession continues to reside in the State, the Government of India agreed that, while the residuary powers of legislature vested in the Centre in respect of all states other than Jammu and Kashmir, in the case of the latter they vested in the State itself,

(ii) It was agreed between the two Governments that in accordance with Article 5 of the Indian Constitution, persons who have their domicile in Jammu and Kashmir shall be regarded as citizens of India, but the State legislature was given power to make laws for conferring special rights and privileges on the 'state subjects' in view of the 'State Subject' Notifications of 1927 and 1932: the State legislature was also empowered to make laws for the 'State Subjects' who had gone to Pakistan on account of the communal disturbances of 1947, in the event of their return to Kashmir;

(iii) As the President of India commands the same respect in the State as he does in other Units of India, Articles 52 to 62 of the Constitution relating to him should be applicable, to the State. It was further agreed that the power to grant reprieves, pardons and remission of sentences etc; would also vest in the President of India.

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(iv) The Union Government agreed that the State should have its own flag in addition to the Union flag, but it was agreed by the State Government that the State flag would not be a rival of the Union flag; it was also recognised that the Union flag should have the same status and position in Jammu and Kashmir as in the rest of India, but for historical reasons connected with the freedom struggle in the State, the need for continuance of the State flag was recognised;

(v) There was complete agreement with regard to the position of the Sadar-i-Riyasat; though the Sadar-i-Riyasat was to be elected by the State Legislature, he had to be recognised by the President of India before his installation as such; in other Indian States the Head of the State was appointed by the President and was as such his nominee but the person to be appointed as the Head, had to be a person acceptable to the Government of that State; no person who is not acceptable to the State Government can be thrust on the State as the Head. The difference in the case of Kashmir lies only in the fact that Sadar-i-Riyasat will in the first place be elected by the State legislature itself instead of being a nominee of the Government and the President of India. With regard to the powers and functions of the Sadar-i-Riyasat the following argument was mutually agreed upon:

(a) The Head of the State shall be a person recognised by the President of the Union on the recommendations of the Legislature of the State;

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(b) he shall hold office during the pleasure of the President;

(c) he may, by writing under his hand addressed to the President, resign his office;

(d) Subject to the foregoing provisions, the Head of the State shall hold office for a term of five years from the date he enters upon his office;

(e) Provided that he shall, notwithstanding the expiration of his term, continue to hold the office until his successor enters upon his office";

(vi) With regard to the fundamental rights, some basic principles agreed between the parties were enunciated; it was accepted that the people of the State were to have fundamental rights. But in the view of the peculiar position in which the State was placed, the whole chapter relating to 'Fundamental Rights' of the Indian Constitution could not be made applicable to the State, the question which remained to be determined was whether the chapter on fundamental rights should form a part of the State Constitution of the Constitution of India as applicable to the State;

(vii) With regard to the jurisdiction of the Supreme Court of India, it was accepted that for the time being, owing to the existence of the Board of Judicial Advisers in the State, which was the highest judicial authority in

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the State, the Supreme Court should have only appellate jurisdiction;

(viii) There was a great deal of discussion with regard to the "Emergency Powers"; the Government of India insisted on the application of Article 352, empowering the President to proclaim a general emergency in the State; the State Government argued that in the exercise of its powers over defence (Item 1 on the Union List), in the event of war or external aggression, the Government of India would have full authority to take steps and proclaim emergency but the State delegation was, however, averse to the President exercising the power to proclaim a general emergency on account of internal disturbance.

In order to meet the viewpoint of the State's delegation, the Government of India agreed to the modification of Article 352 in its application to Kashmir by the addition of the following words: "but in regard to internal disturbance at the request or with the concurrence of the Government of the State"

However, the successive leadership of the National Conference, even after enjoying power for over 27 years, has been blaming the Government of India for not having implemented the Delhi Agreement of 1952 in letter and spirit. And whenever the NC leadership feels the pinch of the central interference it starts demanding restoration of the constitutional status that existed in the state prior to 1953.

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Since the 1952 Agreement, the state of Jammu and Kashmir has witnessed a number of agreements and accords but none has been instrumental in addressing internal and external dimensions of the Kashmir issue.

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8

1953 A TURNING POINT IN KASHMIR

Sheikh Abdullah

Away, far away, from their land of birth, the vale of Kashmir, groups of displaced people are seen discussing and debating what went wrong in the valley? Why it happened ? Why things took an ugly shape, which did not take place even when the plebiscite movement was at its peak, that forced over three lakh Hindus to migrate from Kashmir ?

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If pro-Pak and pro-Azadi sentiments were alive in a limited form in the Kashmir valley soon after the partition of India, or to be precise, after the signing of the Instrument of Accession, these feelings gained firm roots with the dismissal of the Government headed by Sheikh Abdullah and his consequent arrest on August 9,1953.

The roots of these pro-Pak and pro-Azadi sentiments were watered by the Plebiscite Front that operated in the state under the patronage of Sheikh Abdullah. All of a sudden the valley used to be intermittently rocked by pro-Pak and pro-Azadi slogans. At times peace used to be destabilised when pro-Plebiscite Front groups of people clashed with the police and the supporters of Bakshi Ghulam Mohammad who had ben installed as the Prime Minister after the arrest of Sheikh Abdullah.

The plebiscite movement remained alive till 1974-75 when Sheikh Abdullah regained power under the Sheikh-indira Accord. Though after a gap of 22 years Sheikh Abdullah joined the political mainstream the seeds of separatism his arrest had sown, had flowered into big plants. This way a generation of youth, fed on pro-plebiscite and pro-Pak slogans, was born.

The Sheikh's U-turn did not change the overall outlook of the generation that was born between 1953 and 1974. Sheikh Abdullah would say,after regaining power, that he had never questioned the state's accession with India but had questioned the quantum of accession..

While being away, far away,from the valley of Kashmir, Pandits do try to solve a riddle that had confused them

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till they lived in the valley. They had felt intrigued over the way people in Kashmir fully responded to the call for shutdown given by Pakistan Prime Minister, Z.A. Bhutto, in protest against the Sheikh-Indira Accord. And the same people went hilarious when Sheikh Abdullah drove from Jammu to Srinagar by road after having been installed as the Chief Minister. Peoples' frenzy was reflected by the presence of large crowds greeting the Lion of Kashmir from Banihal to Srinagar. Groups of people were seen panting while running from Pampore to Srinagar, a distance of 12 kms, alongwith the car in which the Sheikh travelled from Jammu.

Kashmiri Hindus, even while suffering from various health problems, pecuniary difficulties, social disintegration, isolation and deprivation, do remember that even in the face of criticism of the Sheikh that he had sold people of the state for power, over one million of the Kashmiris had joined mourners wailing over the demise of Sheikh Abdullah. At least 90 per cent of those very people who had responded to Bhutto's call for shutdown in protest against Sheikh's return to power were among the mourners when the body of the Sheikh was being carried for burial on September 9, 1982..

If anything else was required for fomenting anti-India and anti-Central Government sentiments in the valley it was provided by the sudden decision of the state unit of the Congress to withdraw support to Sheikh Abdullah in early 1977. This way the Congress withdrew the support to the same Government that it had supported to enable Sheikh Abdullah to form the Government.

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At that stage neither the Sheikh had contested the election nor had he any support in the State Assembly. The Sheikh avenged, what he used to call, stabbing in the back by the Congress, by mauling the Congress and the Janata Party in the 1977 Assembly election.

The scars of the Congress-National Conference confrontation were yet to be healed when the Congress high command avenged the insult that was hurled on Indira Gandhi by a group of National Conference workers who behaved insolently and indecently during Indira's public rally in Iqbal Park in Srinagar. The Congress took the revenge in 1984 when the Government led by National Conference, which had won the 1983 Assembly elections, was toppled through defections engineered by the Congress. As many as 13 MLAs belonging to the National Conference defected resulting in the installation of a new Government headed by G.M.Shah,brother-in-Law of Farooq Abdullah.

Not many know that G.M. Shah had prepared himself mentally and physically to take over as Chief Minister of the state soon after the demise of his father-in-Law Sheikh Abdullah on September 8, 1982. But Indira Gandhi had, at that stage favoured Farooq Abdullah. Consequently a word was sent to D.D. Thakur, Sheikh's ministerial colleague, that he should carry Farooq to the Raj Bhawan for swearing in ceremony which took place around 11 in the night.

If the displaced people from Kashmir feel baffled over the fluctuating role of the Congress they are not to be

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blamed. The Congress that withdrew support to the Government headed by Sheikh Abdullah in 1977, the same Congress engineered defections in the National Conference to pull down the duly elected Farooq led Government in 1984. The same Congress forged an alliance with the National Confrence, headed by Farooq Abdullah, under the Rajiv-Farooq Accord of 1986.

And the same Congress formed an alliance with the PDP in 2002 for sharing power with it for over five years to the disappointment of the National Conference. And to the chagrin of the PDP, the same Congress forged an alliance with the National Conferene in 2008 to share power with Omar Abdullah who was installed as Chief Minister.

But all these political pranks and machinations were eclipsed by sustained anti-Centre feelings, against those who were known to be nationalists. Pandits used to be bracketed with the nationalist forces and no wonder that some National Conference leaders would dub some of them as fifth columnists.

This was one of the factors that had forced the Pandits to bear insults during and after cricket and hockey matches between the teams from India and Pakistan. If Pakistani team happend to win the hockey tie by two goals, Pandit women would have to bear listening to *"Batni Dooch"* (O Pandit women, two goals) taunts.Pandits would have to tolerate taunts even if India won the tie. Such taunts usually came from a section of a generation that was born and brought up after 1953..

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I remember my daughter Alpna would watch on television any cricket match between the Indian and Pakistani teams without bothering which side won and which lost. She would watch the game for the sake of the game, sans politics. But unfortunately before migration, she became fully partisan wishing and praying for success of the Indian team. This pro-India and anti-Pakistan feelings had been ingrained in her by the kids of our sweet neighbours who would fire crackers over Pakistani teams' victory and taunt my daughter on India's defeat. This feeling is in her mind even after a gap of 23 years. She keeps on praying for victory of the Indian team while watching any cricket tie on televsion in California..

These incidents may seem to be trivial to those who watched communal riots and sectarian clashes in India and Pakistan. But for those who had grown in an environment of total communal amity, which people in the valley have christened as Kashmiriyat, these small incidents sowed seeds of hatred and mistrust between the majority and the minority communities.

However, after the migration of Pandits to the plains, people in the valley have started missing them. The euphoria that had gripped Kashmir over the possibility of securing independence with the rise of militancy, has died and people do look for the return of the pre-1990 era.

It is too early to predict the restoration of pre-1990 era even after a few hundred Pandit families have returned to Kashmir.

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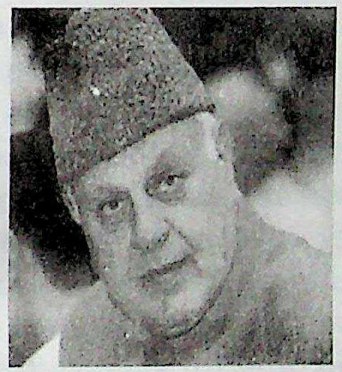
9

CONGRESS ANNOYS SHEIKH ABDULLAH



Dr. Farooq Abdullah

Molvi Mohd. Farooq

After the Congress withdrew support to the Government headed by Sheikh Abdullah in 1977, the stage was set for a fresh Assembly election. The election was held under the Governor's rule and it may be that this was the first poll that has been free and fair because it was held under the Central rule.

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One significant pre-poll development was in the shape of an alliance between the newly floated Janata Party and the Awami action Committee, led by Molvi Farooq. No doubt the Kashmir Mirwaiz and his Awami Action Committee had witnessed erosion in their strength after their areas of influence registered gradual squeezing the Maulana was a force to reckon with in the interior Srinagar city. This was the result of events that led Sheikh Abdullah to regain power.

Finding that the Sheikh had lost support of the Congress and was to contest the elections alone as head of the National Conference, Molvi Farooq decided to forge an alliance with the Janata Party that had come to power in the centre after dislodging the Government and the party headed by Indira Gandhi. The main idea behind the Maulana's acceptance of an offer for alliance from the Janata Party leadership was to facilitate him in winning half a dozen seats in the election.

Days before the polling, I had an occasion to be with him at his Mirwaiz Manzil at Rajouri Kadal in interior of Srinagar. To my question on the number of seats the Janata Party, which has been given his support, will win in the election, the Maulana did not pause for a moment. He simply raced his fingers

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on the list of constituencies in the Kashmir valley and said "we will win about 39 out of 42 seats."

I thought it better to cut short the meeting because one would not have even dreamt of Janata Party winning 39 seats when Molvi Farooq's influence was limited to three Assembly segments in the interior of Srinagar. When the election results were out the Janata Party had won two seats, Idgah in Srinagar and Handwara in north Kashmir. The Handwara seat had been won by Abdul Gani Lone on his own strength and not because of Molvi Farooq's support. Yes his support helped Abdul Rashid Kabuli to win the Idgah seat. The biggest surprise for the Janata Party was the defeat of its senior leader, Molvi Iftikhar Hussain Ansari, who lost to one National Conference candidate, Abdul Rashid Shaheen, in Pattan constituency in north Kashmir.

Except for half a dozen constituencies, which included three in interior of Srinagar, where the Janata Party candidates gave tough fight to the National Conference, in rest of the over 30 constituencies it was a cake-walk win for the National Conference candidates.

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However, before the declaration of election results, Molvi Farooq had succeeded in staging a comeback in the political arena of Kashmir. As a star campaigner for the Janata Party, he drove like an emperor to south Kashmir for addressing pre-poll rallies. No doubt he attracted large crowds in Anantnag town but on his return the caravan of his spporters was stoned by the supporters of National Conference. Many activists of Awami Action Committee and Janata Party were injured in stone-pelting. The Maulana had to beat a hasty retreat.

He remained a much sought after Kashmiri political leader by the Janata Party leadership. When the then Prime Minister, Morarji Desai landed in Srinagar in connection with the pre-poll campaign, he visited the Mirwaiz Manzil where he was greeted by a group of women supporters of the Maulana. The two had a brief meeting which had enlarged Molvi Farooq's political image.

His image got a drubbing soon after the election results were out. Though his link with the Janata Party leadership was not snapped immediately he lost his political vigour for the Centre. And he remained on the defensive when he saw that the Janata Party had started building links with Sheikh Abdullah who had regained the ground that he had lost by forging an Accord with Indira Gandhi in 1975.

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The importance attached to Janata Party-Molvi Farooq alliance, even though it was maintained for a brief period, was that the areas that would echo with the pro-Pakistan slogans witnessed a rapid transformation with the Janata Party flags replacing the green flags.

Another significance was that the saffron brigade that led the Janata Party had, by design or by compulsion, forged an alliance with forces that were treated to be anti-India or anti-accession. Later events proved that whichever party formed the Government in the Centre, it preferred alliance or understanding with the National Conference in Kashmir to any other regional organisation because the party led by the Sheikh had bigger areas of influence in the valley and in two other regions of the State also.

This way the alliance between the Janata Party and Molvi Farooq could be treated yet another experiment which has been followed by many more experiments on hammering out suitable political and administrative arrangements.

Even though the 1977 Assembly election has been considered to be the first free and fair poll process in Jammu and Kashmir there were reports of rigging in some constituencies. But eyewitnesses and experts say that if rigging incidents had taken place it was engineered by a section of people loyal to Sheikh Abdullah.

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This election lent further evidence to the fact that Sheikh Abdullah was the tallest political figure in Kashmir who ruled the hearts of people for about 45 years. Those who had treated the Sheikh as a spent-up force after his accord with Indira Gandhi in 1975 were proved wrong when the National Conference won an absolute majority in the State Assembly.

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10

KASHMIRIS ARE TALKATIVE BUT BELIEVE IN BREVITY ALSO

Kashmiris are usually good talkers and listeners. They can talk about politics, economics, and religion. They have the art of weaving stories and speak at length about political developments not only in Jammu and Kashmir and in India but in various countries in the world. There are many Kashmiris who are so knowledgeable that they can educate others on political intricacies in Mexico.

And when they are told about political and security developments they have the patience to be good listeners. They love details. Normally they do not believe in brevity as the soul of wit. But they show this wit when they call their friends or neighbours or relations by their name.

In general Kashmiris are lovers of words. Prior to the rise of militancy in Kashmir, people would get engaged in wordy duels. They would love to shout down their

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opponets with choicest abuses. And whenever these abuses fail to silence the opponents they are forced to be on the defensive when they are given names.

However, Kashmiris are usually very frugal in identifying people they know, by giving their complete names. This miserly treatment is given to their friends, neighbours and even to their relations.

There is no feeling among them in slighting their acquaintances, friends, neighbours and relations. Niranjan Nath Bhat for many Kashmiris is Nerr Bhat or simply Nerr. Those who speak Niranjan Nath Bhat as Nerr do not say it on the face of Niranjan Nath.

It is not the outcome of one's superiority over the other. If it had been so Balkak Dhar, a rich landlord, would not have been Bael Dhar for people in his locality or even in the city of Srinagar. Sham Lal Saraf, who remained a minister for about 17 years, would have not been Sham Saraf. And those very people who were in the habit of saying Bael Dhar or Sham Saraf would address them, whenever they needed their help, as Dhar Sahib or Saraf Sahib.

If you talk about Ghulam Rasool you usually say "Rasul." If you are asked to whom this or that house belongs to you will not usually say the house belongs to Ghulam Ahmed but to Amma. Abdul Rahim is usually Rahima. I feel amazed whenever people talk about Abdul Rahim Rather, Finance Minister,they usually describe him as Rahim Rather.

Ghulam Hassan Mir is Hassana Mir, Mohd. Shafi becomes simply Shafi or Shafa Lala, Ghulam Mohammad

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becomes Mohammud, Sultan Mohammad is Sulla.

Kashi Nath is usually Kashia for his relations, Badri Nath is Bodda, Girdhari Lal is Girra, Makhan Lal is Makhna, Dina Nath is Dina, Shiban Lal is Shibna, Hira Lal is Heera, Bansi Lal is Bansia, Rattan Lal is Ratna, Maheshwarnath is Mahi, Janki Nath is Jana, Radha Krishan is Roadh, Sri Kanth is Siria, Omkar Nath is Voma, Dwarika Nath is Doar or Daari, Ghulam Mohammed is Gul, Jeelani is Jilla.

One is seen to be quite brief while talking of Fatima Begum as she is simply Faat. Azma Begum is Azi, Noor Jehan is Noorai, Kamlawati is Kamael, Dhanvati is Dhana, Parmeshwari is Parmi,Durgawati is Doarg, Vijay Laxmi is Viji.

However, the name droppers are disappointed with the change in the pattern of names given to boys and girls. It is difficult for them to abridge Ahana or Anika, Neha, Srishti, Aarooshi, Aarav, Mohit, Princey, Rahul, Rohan, Zameer, Gulshan, Ashwani, Meraj, Altaf, Ashraf, Sahil, Rauf.

At times one is irritated whenever people attach physical disability or appearance with the abridged names. I would not relish those who would describe Mirza Afzal Beg, a close associate of Sheikh Abdullah, as Afzal Tunda or Sheikh Abdullah as simply "Thoadh" (tall). No doubt Khwaja Sonaullah owned and edited an Urdu Daily "Aftab" for several decades he would be called by many as "Sona Aftab."

Abdul Aziz owned and edited "Roshni" and people started calling him Aziz Roshni. One Govind Joo was a

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strict official in a civic body in Srinagar, he would be called Goond Shashter. Same was the case with Shambhu Nath who was a strict auditor in the office of the Accountant General. He too was dubbed as Shomb Shaster(Shaster meaning iron).

Madhav Joo was the first Kashmiri Pandit who had opened a clinical laboratory in Kashmir as early as in 1948 where he used to carry out blood, urine, sputum and stool tests of patients referred to him by several doctors. And those who were jealous of his success started calling him Madhav Mthr (Mthr in Kashmiri means urine).

Many Muslims would work as labourers at Government ration depots carrying large bags of rice and wheat atta to the houses of ration card holders and they were called in Kashmiri "Hamaals." After sometime Ghulam Mohammad became Gul Hamaal, Ghulam Hassan became Hassn Hamaal. This way people were called by the profession they had adopted.

Abdul Ramzan for us was Ramzan Goor, in Kashmiri Goor means the one who rears cows and sells their milk. Ghulam Mohd. Would usually be addressed as Mohd Goor, Abdul Rehman became Rahim Goor. Even several women rearing cows and selling their milk would not be simply Roop Dedi but Roap Goor, Rahat Goor.

It would be usually Salam Chhaan(carpenter), Sul Chhaan would actually be Sultan Mohammad. Rahima Dasil(mason) instead of Abdul Rahim. I think by doing so people wanted to make their identification easy.

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Ghulam Nabi and his elder brothers owned a provision store and a bakery. But Ghulam Nabi was identified by Nabh Kandur (Kandur means a baker). If it was Abdul Ahad running a bakery, he would simply be called Ahaed Kandur.

Those who ran brothels in Kashmir were usually called Gaans (prostitute). I remember one Abdul Rehman. People would chide him by shouting "Rehman Gaan."

He would get provoked forcing him to either cut short his stay in the market or counter the kids with curses and abuses.

Kashmiri Pandits have not been as respectful towards their priests as Muslims are towards their mullas and Christians towards Bishops. For Pandits their priests are "Goars." and whenever they refer to Mohan Lal, a priest, they usually call him Mohan Goar. For them even the learned Damodhar is a Dum Goar or a Srikanth is a Siri Goar.

In various cases nicknames have got associated with the names and castes of several Kashmiri families. In one family an old mulberry tree was removed. However, its roots were not extracted with the result there was a mound (Teng in Kashmiri). The family used to be called Tengs. They were irritated and extracted the roots of the tree. A ditch was formed which is called in Kashmiri (Khoad). Later they were called as Khoda. We have still many Khodas, including the former DG police, Kuldeep Khoda. Though everybody had not a ditch in their compound.

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In various cases names of vegetables would become surnames for many Kashmiris. I know in one locality were Sultan Wangun(brinjal), Dina Nath Mujoo (Muj meaning raddish), Abdul Salam Gogja(Gogaj means turnip). This vicinity was hence known to be inhabiting Muj, Gogj and Wangun.

A large number of people in Kashmir own boat, row boats besides houseboats. This section is usually called Haenz (boatman). And true to their trait, Abdul Ramzan became Ramzan haenz. In Kashmiri, Puj means a butcher and one need not feel suprised if one is told that usually butchers are called by the profession they have adopted. This way Abdul Khalid becomes Khaliq Puj, Ghulam Nabi is Nab Puj, Abdul Rahim is Rahim Puj.

Those who are employed as sweepers or work as cobblers are called Wattal in Kashmiri. Abdul Gaffar has become Gaffar Watul, Abdul Salam is called Sull Watul. Since Kashmiri Pandits have neither been cobblers nor sweepers it still is a mystery as to why some Pandits have Wattal as surname. We had an able Editor of an Urdu Daily in Srinagar whose name was Nand Lal Watal, though for many he was simply Nand Watul.

Cloth merchants, gold and black smiths had their surnames on the basis of their profession. We have Dina Nath Bazaz(cloth merchant) usually called Dina Bazaz, Ghulam Ahmed Bazaz as Gul Bazaz. We have Ghulam Mohd, usually known as Mom Khaar, Khaar in Kashmiri meaning a blacksmith or Makhan Sonur(goldsmith) or Nab Sonur for Ghulam Nabi working as a goldsmith.

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12

INDIRA PREFERS FAROOQ TO SHAH IN 1982

Indra Gandhi

When Sheikh Abdullah died on September 8,1982, his son-in-law, G.M.Shah had made all the preparations for being sworn in as Chief Minister the same evening. However, it was as a result of intervention by Mrs Indira Gandhi that Shah lost the chance. Indira, according to knowledgeable circles, contacted D.D. Thakur, a cabinet colleague of Sheikh Abdullah, and directed him to carry Farooq Abdullah, son

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Abdullah,who had ruled the hearts of people of Jammu and Kashmir for over four decades, was seen accepting invitation for inauguration of even small business ventures. Big business houses in Kashmir would feel elated if the Sheikh agreed to open their shops.

Even then Sheikh Abdullah continued to be the tallest political figure and had tremendous nuisance value. He had the potential of destabilising peace in the State. It is in this context that a shrewd Indira Gandhi opted for wooing back Sheikh Abdullah to the national mainstream.

It was through some mediators that Sheikh Abdullah was sounded about Indira's plan. Though the Sheikh feigned reluctance outwardly, he was keen to forge an alliance with the Congress secretly. And when the stage was set, he deputed his trusted deputy, Mirza Afzal Beg, and Mrs Gandhi picked up G.R. Parthasarthy for sustained talks with Beg.

After overcoming various hiccups and misgivings, the Accord was hammered out. The Sheikh regained power and formed the Government with the support from the Congress. Since the Sheikh and his National Conference had assumed power without contesting Assembly election, he had to bank on the support of the Congress which was provided to him willingly.

It is something different that the same Congress withdrew support to the Government led by Sheikh Abdullah in 1977. This withdrawal of support resulted in imposition of the Governor's rule in Jammu and

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Kashmir followed by fresh elections. It was during these elections that the Sehikh demonstrated to New Delhi that he was not a spent up force but a galloping horse ready to outstrip even the Janata Party that had defeated the otherwise redoubtable Congress in 1977. The National Conference, led by Sheikh Abdullah won absolute majority in the Assembly after mauling the Congress and the Janata Party.

He would not have achieved a cake-walk win in the elections had not the Congress withdrawn its support to the Government headed by the Sheikh. Since the withdrawal of the support Sheikh Abdullah's slogan "the Congress stabbed me in the back" turned the tide in favour of the National Conference. His oft repeated charge "Congress is like worms of a gutter" won added support from people in the Kashmir valley. Hence, if in 1975 political pundits considered him a spent-up force, Sheikh Abdullah proved them wrong.

Though the Sheikh-Indira Accord was signed in 1975, the commitments made in the agreement remained on paper and were not implemented. When the provisions of the agreement were being framed, Sheikh Abdullah, through Beg, continued to dictate terms to the Centre. At this juncture Mrs Gandhi grew suspicious of the Sheikh on the plea that it would be difficult for the Government of India to fulfill all his terms.

Reports said that one Lok Sabha member from Kashmir had met Indira Gandhi and assuaged her fears telling her "once Sheikh Sahib occupied the Chief

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Minister's chair, he would forget the various clauses in the Accord." That is what happened later.

A section of political Pundits are of the opinion that had not the Congress withdrawn its support to Sheikh Abdullah, the Lion of Kashmir, as he was called, would have lost his political vigour by the time next Assemby election would have been held. But I believe that the 1975 Accord had chastened the otherwise volatile Sheikh Abdullah who, after the Accord, neither disputed the State's accession with India nor questioned its quantum, What then was this Accord?

Sheikh–Indira Accord, 1975
Agreed Conclusions

1. The State of Jammu and Kashmir which is a constituent unit of the Union of India, shall, in its relation with the Union, continue to be governed by Article 370 of the Constitution of India.

2. The residuary powers of legislation shall remain with the State; however, Parliament will continue to have power to make laws relating to the prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about secession of a part of the territory of India or secession of a part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National Anthem and the Constitution.

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3. Where any provision of the Constitution of India had been applied to the State of Jammu and Kashmir with adaptation and modification, such adaptations and modifications can be altered or repealed by an order of the President under Article 370, each individual proposal in this behalf being considered on its merits ; but provisions of the Constitution of India already applied to the State of Jammu and Kashmir without adaptation or modification are unalterable.

4. With a view to assuring freedom to the State of Jammu and Kashmir to have its own legislation on matters like welfare measures, cultural matters, social security, personal law and procedural laws, in a manner suited to the special conditions in the State, it is agreed that the State Government can review the laws made by Parliament or extended to the State after 1953 on any matter relatable to the Concurrent List and may decide which of them, in its opinion, needs amendment or repeal.

Thereafter, appropriate steps may be taken under Article 254 of the Constitution of India. The grant of President's assent to such legislation would be sympathetically considered. The same approach would be adopted in regard to laws to be made by Parliament in future under the Proviso to clause 2 of the Article. The State Government shall be consulted regarding the application of any such law to the State and the views of the State Government shall receive the fullest consideration.

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5. As an arrangement reciprocal to what has been provided under Article 368, a suitable modification of that Article as applied to State should be made by Presidential order to the effect that no law made by the Legislature of the State of Jammu and Kashmir, seeking to make any change in or in the effect of any provision of Constitution of the State of Jammu and Kashmir relating to any of the undermentioned matters, shall take effect unless the Bill, having been reserved for the consideration of the President, receives his assent ; the matters are: -

The appointment, powers, functions, duties, privileges and immunities of the Governor, and the following matters relating to Elections, namely, the superintendence, direction and control of Elections by the Election Commission of India, eligibility for inclusion in the electoral rolls without discrimination to the State of Jammu and Kashmir.

6. No agreement was possible on the question of nomenclature of the Governor and the Chief Minister and the matter is, therefore, remitted to the Principals.

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Jammu
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Dated

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1986—ANOTHER WATERSHED IN KASHMIR

When groups of youth desecrated and ravaged Hindu shrines and temples in south Kashmir in 1986, and nealry 20 temples in the districts of Anantnag and Pulwama were vandalised, it was not then treated as a beginning of some bigger mischief. One set blamed Jamait-e-Islami for the attack but eye witness accounts had not lent credence to any such allegation. However, overall impression was that vested interests had engineered these attacks to motivate the Government of India to act and intervene by dislodging the Government headed by G.M. Shah.

And Shah was convinced about it because after the fall of his Government he had started talking in terms of India being ruled by "Brahmin imperialism" when at the time of his induction as the Chief Minister, with the support of the Congress, he used to say that **"sau saal pehley Congress key saath pyaar thaa aur aagey bhi raheygaa"** (hundred years ago it was love with Congress and it will remain in future also). This indicates that Shah

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of the Sheikh, to the Raj Bhawan where the Governor would administer him oath as Chief Minister.

Thakur did exactly what he was told to do by Mrs Gandhi. He held the wrist of Farooq at a time when arrangements were being finalised for placing the body of the Sheikh on a pandal in the sprawling Polo Grounds adjacent to the Sheikh's residence and carried him in a car to the Raj Bhawan where Governor B.K. Nehru administered the oath.

Mark the twist in the fate of not only Farooq Abdullah but in the destiny of his brother-in-law, G.M. Shah. Indira Gandhi had schemed to deny to Shah his right to succeed his father-in-law, Sheikh Abdullah, as Chief Minister in 1982. And the same Indira had schemed (which led to) the fall of the duly elected Government headed by Farooq Abdullah and the installation of G.M.Shah as Chief Minister on July 2, 1984.

Soon after his installation as Chief Minister on September 8, 1982, Farooq Abdullah, who was a no vice in politics despite his coronation as President of the National Conference in 1981, was therefore, amenable to suggestions from his party leaders. Sheikh Abdullah, who had suffered major heart ailment in 1977, wanted to settle the succession issue and accordingly got his son Farooq Abdullah elected as President of the National Conference to the chagrin of G.M. Shah.

Farooq, after his installation as Chief Minister, thought it prudent to carry the Congress with him and that was

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the reason for him to forge an alliance with the Congress while contesting the Assembly election in 1983. If Farooq agreed to contest the 1983 Assembly election in alliance with the Congress it was the outcome of political compulsions. It was a short lived affair.

But he had been advised by his well wishers in the National Conference that if he wanted the National Conference to win the elections and form the Government again, he and his party should kick up activities which were aimed at belittling the Congress and the Centre. While Indira Gandhi was addressing an election rally in Iqbal Park in Srinagar, a group of youngmen lowered their trousers simply to insult a woman Prime Minister. After some days the National Conference supporters were said to have attacked the Congress headquarters on Maulana Azad Road. Its upper storey was set ablaze and some Congress leaders were injured.

All this was being done to facilitate the National Conference in winning the Assembly election. The National Conference won the election by capturing 46 seats against 26 seats by the Congress. Though Farooq Abdullah formed the Government again,he had lost goodwill and support from the Centre in general and Indira Gandhi in particular.

And she hit back with vengeance after engineering defections within the National Conference. Between 12 and 13 National Conference legislators defected from the

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party and with the outside support from the Congress, G.M. Shah, who led the team of defectors, was inducted as Chief Minister. So the man who was denied the post of Chief Ministership in 1982, was assisted by the same powers in getting the Chief Minister's "gaddi" in 1984.

Farooq was furious. He was helpless. Gradually he thought of mending fences with the Congress and assassination of Indira Gandhi made his plan easy. His charisma attracted Rajiv Gandhi who had succeeded his mother after her assassination as Prime Minister. The two met. It was a meeting between two young politicians. Some sort of union was hammered out between the two young and handsome politicians. This ultimately resulted in what is called Rajiv-Faooq Accord of 1986.

Soon after the Accord, the State had National Conference led coalition Government with the Congress. The two contested the 1987 election jointly and again the two formed a coalition Government after the election. This coalition Government lasted till early 1990 when Farooq Abdullah resigned. He resigned, what he called outwardly, in protest against the appointment of Jagmohan as Governor in the middle of January 1990. Farooq had a grouse against Jagmohan because when he was appointed as Governor for the first time in 1984 he had implemented ouster Farooq plan framed by Indira Gandhi. The same plan had not received any support from B.K.Nehru during his tenure as Governor till early July 1984.

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It is the outcome of bitter experience that he had in 1984 that Farooq Abdullah has learnt a major lesson in politics. He told me once that even if "I have a two-third majority in the Assembly, I may not be able to survive as Chief Minister if I do not have cordial relations with any party that is in power in the Centre." It is this new born instinct in him that encouraged him to join the BJP led NDA Government in the centre by agreeing to get his son, Omar Abdullah, inducted in the Union Council of Ministers as Minister of State.

He lost favour from the Congress between 2002 and 2007. It was the result of this loss of trust that Sonia Gandhi did not want the Congress to form a coalition Government with the National Conference in Jammu and Kashmir after the conclusion of 2002 Assembly election despite the fact that the party led by Farooq had won 27 seats against 16 by the PDP. Sonia opted for an experiment on formation of a coalition Government with the PDP and the experiment was a success except for the role the PDP played during the row over land diversion to Amarnath Shrine Board.

The Congress would have preferred to repeat the experiment by forming a coalition Government with the PDP in 2008 but it opted for Farooq led party as Farooq had played a helpful and constructive role during the land row not withstanding certain fulminations by his son on the floor of the Lok Sabha against the land diversion to the Amarnath Shrine Board. This way despite its erosion, the Congress may continue to play

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the role of a king maker. Also it would be usually a love hate relationship between the National Conference and the Congress.

With the birth of the PDP in 1999, Jammu and Kashmir state, like other states, may have to be under a coalition rule. It can be either a PDP-Congress coalition Government or a Congress-National Conference rule. In any case the Congress has emerged as not only a king but a Government maker because the possibilities for the PDP and its arch political rival, the National Conference, joining hands are remote.

Another factor that lends credence to the opinion that Jammu and Kashmir state may be in for a coalition rule is the inability of either the Congress or the PDP or the National Conference to win absolute majority in the 87-member State Assembly. The Kashmir Centric National Conference, which has areas of influence in the regions of Jammu and Ladakh, too has lost its ability to win absolute majority in the Assembly because of the growing influence of the PDP on the people of the state.

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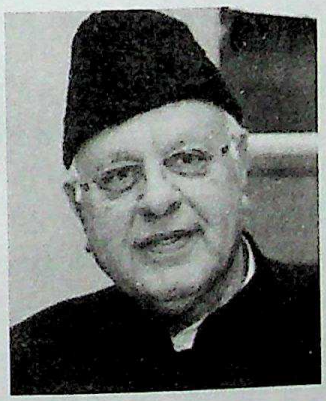
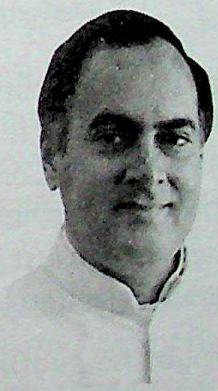
13
FAROOQ WOOS RAJIV TO ALIGN WITH CONGRESS





Farooq and Rajeev Gandhi

When Dr. Farooq Abdullah opted for an alliance with the Congress in 1986, it was his compulsion. His charismatic personality had cast a spell on Rajiv Gandhi, who had been inducted as the Prime Minister after the assassination of his mother, Indira Gandhi, in 1984.

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It was only the question of his political survival that had motivated Dr Farooq Abdullah, who headed the National Conference, to join hands with Rajiv Gandhi in 1986 when the scars of Congress withdrawal of support to the Government headed by Sheikh Abdullah in 1977 and of the dislodging of Farooq led Government in 1984 were fresh in the minds of the National Conference leadership.

Farooq Abdullah had won the 1983 Assembly elections while adopting anti-Congress and anti-Centre postures. In fact a number of his well wishers had persuaded him that the only mantra for securing poll victory was to pose himself as a great critic of the Congress.

However, this victory was shortlived when his duly elected Government fell down as a result of defections within the National Conference. The team of defectors was led by none other than Farooq's brother-in-law, G.M. Shah. Farooq lost power after about over a year of the Assembly election.

No doubt he continued to fulminate against the Congress but inwardly he was convinced that his Government, even if it has a two-third majority in the State Assembly, would not be safe without the support and the goodwill of the Centre.

Hence from the double Farooq Accord of 1983, when he forged an alliance with Molvi Mohd. Farooq, Chairman Awami Action Committee, he moved to Rajiv-Farooq accord. The Accord with Molvi Farooq, for

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Farooq Abdullah, had twin purposes. First he wished to seek help from the Maulana, who had areas of influence in the interior of Srinagar city, for winning all the eight seats in the State's summer capital city. Secondly, possibly the most important was Dr Farooq's desire to put to rest occasional Sher-Bakra feuds that had been rocking Srinagar right from 1932.

Shers (lions) were headed by Sheikh Abdullah who was popularly addressed as the Lion of Kashmir and the Bakras(goats) were represented by the ancestors of Molvi Farooq. Farooq wanted that during his rule Kashmir should not be rattled by any Sher-Bakra conflict and violence. It was important for him when he had already drawn swords against the Congress.

The moment Dr Farooq joined hands with Rajiv Gandhi, he and his partymen simply forgot about the double Farooq Accord. Even without giving it a formal burial the double Farooq accord was relegated to the pages of history.

And the National Conference and the Congress forged an alliance and contested the 1987 Assembly elections. The two won power but the allegations of rigging levelled by the leaders of the Muslim United Front (MUF) which too had fielded its candidates are stated to have smoothened the ground for Pakistan to launch its proxy war against India in Jammu and Kashmir.

Well it is an admitted fact that had not the National Conference Government resorted to rigging and other malpractices during the polling and at the time of

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counting there were still very remote chances for the MUF to win power.The MUF had fielded its candidates in 43 constituencies out of 76 and the chances for its candidates were treated quite bright in 12 constituencies. It won four seats making one to believe that the poll was rigged in about eight constituencies.

But the damage was done. Thorns were sown and even after the passage of 24 years these thorns continue to prick people, Government and the political leaders.

Another minus point of the Faooq-Rajiv accord was that it provoked senior Congress leader, Mufti Mohd. Sayeed, who had headed the PCC in the State for a number of years, to quit the party and joined Jan Morcha, led by V.P.Singh, in 1987.

When V.P. Singh took over as Prime Minister of India, he rewarded the Mufti's gesture of joining hands with him by inducting him in the Union Cabinet as the first Muslim Home Minister. In the politics of Jammu and Kashmir, which is plagued by ifs and buts, the birth and growth of the Peoples' Democratic Party(PDP) is the result of Mufti's anger against the Rajiv-Farooq accord.

The Mufti has been essentially a vocal critic of the National Conference and its leaders. As PCC Chief he has always given tough moments to Sheikh Abdullah and later to Dr Farooq Abdullah by his anti-NC utterances and actions. It was simply because of the political sagacity of the Mufti that he was able to keep the

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Congress flag flying even when the tallest political leader, Sheikh Abdullah, was at the helm of affairs.

Farooq Abdullah too has not kept his ire against the Muftis a secret. The tussle between the PDP and the National Conference is the tussle, rather political conflict, between the Muftis and the Abdullahs. Farooq Abdullah resigned in the middle of January 1990 in protest against the Centre's decision to have sent Jagmohan as Governor of Jammu and Kashmir without consulting him as he was the Chief Minister.

No doubt the other compelling factor for Farooq to resign as Chief Minister was the way his Government had been taken by surprise by the sudden rise of militancy in the valley. Jagmohan was sent to Kashmir as Governor because he had the experience of running the Government earlier as the State's constitutional head Farooq had two reasons to protest against Jagmohan's appointment as Governor. First, Farooq had not forgotten the role he had played in allowing the National Conference defectors to form the Government in 1984 with the support from the Congress. Secondly, Farooq had an inkling that it was Mufti Sayeed who as Union Home Minister had cast the dice in favour of Jagmohan.

Indications are that Jagmohan had been sent on the basis of his administrative capabilities and experience he had as Governor in Jammu and Kashmir. Had the Mufti played a key role in his appointment, Jagmohan would not have been removed within less than four months

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when he had started keeping the day to day developments under his grip.

Yes, the assassination of Molvi Mohd. Farooq and the post killing events cut short Jagmohan's term in Srinagar when he should not have been held responsible for those events. These events and other allied developments were being engineered by militants and their handlers in the ISI.

Since the 1952 Delhi Agreement between the centre and Sheikh Abdullah the State has witnessed a number of Accords, agreements and political and administrative arrangements. Despite these Accords, the basic discord continues to rob Kashmir of its serenity and tranquility. An interesting feature of these agreements is that despite militancy related activities and violence, new arrangements were being experimented with for enabling people of the State to taste the fruits of democratic institutions.

And, during the last nine years the process of experimenting with new arrangements has not been closed. If it was the PDP - Congress alliance between 2002 and 2008, it has been the NC-Congress alliance since the 2008 elections. And such experiments are likely to continue till the Kashmir issue retains internal external dimensions.

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AFTER ACCORD CONGRESS DITCHES SHEIKH

Since 1952 there have been a series of agreements and accords between the Kashmiri leadership and the Government of India. These agreements were aimed at either modifying or altering the political and administrative arrangement between Srinagar and New Delhi.

One such agreement has been the Sheikh-Indira Accord of 1974. A number of political pundits are of the opinion that since Sheikh Abdullah had lost much of his political sheen and shine during his 22 years' of political wilderness, there was no need for forging an agreement with him which helped the Sheikh to regain power.

In fact the then Chief Minister, G.M. Sadiq's policy of liberalisation had been responsible for erosion in the Sheikh's strength and area of influence. Sadiq had placed no restrictions on Sheikh Abdullah who was free to move to any corner of the State for holding rallies and public meetings. A stage had reached when Sheikh

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had suspected the Congress and the National Conference, led by Farooq Abdullah, for having engineered mob attack on Pandit temples.

If intelligence agency inputs are to be believed, Islamabad had conceived the Operation Topac around 1986. As per these inputs, senior ISI trained militants had held a meeting with a small group of Kashmiri boys near Prang in Ganderbal district around 1986-87. The purpose of the meeting was to organise youth within Kashmir for arms training in camps across the LOC.

It was in 1987 onwards that groups of boys had started trekking to Pak occupied Kashmir after the valley registered protest rallies against alleged rigging in the Assembly election. Supporters of the Muslim United Front (MUF), which had taken birth in 1986 and had fielded its candidates in several constituencies in the valley, had raised a hue and cry over rigging in the elections. Field reports had indicated that the poll was rigged in five to seven constituencies like Amirakadal, Devsar, Bijebehara and Duroo..

An impression was allowed to assume bigger dimensions when it was rumoured that the defeat of the MUF candidates had been engineered by the National Conference which wanted to prevent this organisation of fundamentalists from forming the Government. But it was not the case because the margin of victory of the National Conference candidates was so large that objective observers could not accept the charge of rigging. Even the most seasoned leader of the MUF, Prof. Abdul Gani Bhat, had told me, a week before the polling,

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that the MUF will win not more than 11 to 12 seats. It won four and rigging in five to seven constituencies had played the trick. Even if the MUF had won 12 seats it would not have been able to form the Government.

Soon after the poll results, disgruntled Kashmiri boys trekked to occupied Kashmir for arms training in camps that had been established in "Azad Kashmir" and Pakistan. In these camps they were given short duration courses in handling of assault rifles (AK-47) and in detonating high grade bombs and grenades. Right from first week of May trained boys started returning to the valley with assault rifles, ammunition and explosives.

They had instructions to lie low and wait for instructions about the day they had to carry out bomb, grenade and gun attacks on a massive scale. These attacks were to be carried out on the houses of political leaders and activists, security pickets and convoys and police besides the Central Government offices. But out of excitement and euphoria, which was natural since the Kashmiri boys were scared of slaughtering a hen, over being in the possession of assault rifles and bombs, a group of boys carried out the first strike by blowing the sentry box outside the Central Telegraph office in front of Pratap Park and the wall of the building of the Srinagar Club on the bank of river Jehlum in the State's summer capital during the night of July 31, 1988. Nobody was killed or injured. The security personnel guarding the Central Telegraph Office would have been blown up into pieces had they were not been on the routine round of the complex.

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After a respite of some days, the era of killings of political activists,academicians, lawyers and doctors was born in Kashmir. The armed campaign was initially carried out against Pandits in Kashmir. The first Pandit judge to fall to the militants' bullets was N.K. Ganjoo. His fault was that, years ago, he had sentenced to death the founder of the JKLF, Maqbool Butt on charge of having killed one CID official, Amar Chand.

It was followed by the gunning down of Tika Lal Taploo One killing was followed by another and most of the Pandits killed were neither workers nor leaders of any political party nor were they informers of the police and security forces, which was treated as a major crime by the militants. Number of Pandit killings was carried out to settle personal scores. One day around 1994-95 I was in the office of the SSP Vigilance in Jammu. There were a number of Government officials present in the room and one Muslim from Kashmir walked in. To a question as to how he was elevated to the post of Assistant Engineer when he was simply an overseer within a span of five years, he had an interesting story to narrate.

He told the Government official to whom he was already known that when Pandit engineers left the valley, he had been promoted from the rank of overseer to Junior Engineer. After a year or so he realised that the only Pandit engineer who had not migrated to the plains was the only hurdle in his next promotion, that too out of turn. He said he engineered phone calls through which the Pandit engineer was threatened with death in case he did not leave Kashmir. The engineer could withstand the threat for a day or two but when the number of threat

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calls increased, he fled the valley wthout informing anyone in the office paving the "way for my promotion after his exodus."

It was not an isolated case. There were many other cases similar to the one mentioned above. There were cases of killings as a result of mistaken identity. I know a case of a close relation of mine, D.K. Dulloo,a retired Government official. He along with his wife and son, used to live near Nai Sarak in the interior of Srinagar. Dulloo had not left the valley because he was under the notion that since he had not harmed anyone he would not be harmed. He proved wrong.

One day he was summoned outside his house by one boy. The moment he stepped out of the main entrance of his house, militants pumped bullets in his body. He fell dead in the lane there and then. His son had later told me that the next day a group of elderly Muslim men held a meeting in the mosque to find out why Dulloo was killed. The killers had expressed deep regrets as they declared that he had been gunned down because. of mistaken identity.

There were over 300 innocent Pandits who were killed by militants within a span of about one year. Those who knew them well were highly critical of the way they were killed in the most barbaric manner. Did Sarwanand Premi, a poet, deserve a violent death at the hands of the militants? Did Bansi Lal Kak, an Assistant Engineer deserve to have been killed in a grotesque manner? Bansi Lal had migrated to Jammu but after a couple of years he decided to visit Kashmir for a couple of days for

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drawing the salary that had not been paid to him for several months. After reaching there, he visited the office where he used to work prior to his exodus to Jammu. He was greeted by his colleagues.

He was shown some official papers which needed his signature. Bansi Lal had agreed to sign them but after he visited the project sites to ascertain the progress of the schemes. Within the office some employees requested him to sign the papers as it was already late and they would accompany him to the project sites next day. He agreed and signed the papers. Next day he was taken to the project sites and later tortured to death. His body was thrown in river Jehlum. It could not have been recovered had not it got stuck below the Sangam bridge.

Take the case of D.N. Chowdhary, working in the J&K Minerals, K.L. Ganjoo, an agricultural scientist, Prana Ganjoo and Sarla Ganjoo, P.N. Bhat, an advocate, R.K. Kaw, a retired teacher. All of them had been tortured to death. Some innocent people, belonging to the Muslim majority community, were abducted and later killed either for settling personal scores or for securing release of arrested militants.

The case related to the abduction of Kashmir University Vice Chancellor, Mushir-ul-Haq, and his private secretary, Abdul Gani, was one such which indicated that kidnapping was organised to secure release of some arrested militants. The abductors committed the crime under the notion that militants would be released in exchange for vice chancellor and his private secretary as

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had happened when Dr Rubia Sayeed,daughter of Mufti Sayeed, who was then the Union Home Minister, had been released by the kidnappers after five militants were set free. But the Government refused to budge resulting in the killing of Mushir-ul-Haq and Abdul Gani. Possibly the Government did not want to repeat Rubia episode.

By 1996, within a span of seven years, several hundred innocent Muslims had been killed in Jammu and Kashmir. There was no reason for them to eliminate people like A.A. Wani, head of the Department of Law, Kashmir University, Syed Ghulam Nabi, Deputy Director Information, Mir Mustafa, one of the most liberal Muslim politicians and Dr A.A. Guru. Possibly the fault with Wani and Guru was that their hearts throbbed with the JKLF ideology, which favours independence for the State. It was the result of rift between the local militants and the foreign mercenaries and between the Pro-Pak Hizbul Mujahideen and pro-Azadi JKLF that people like Molvi Farooq, Abdul Gani Lone and Dr Qazi Nissar were killed.

Most of these killings were carried out to create scare so that people cooperated with the militants and their handlers. It was done so that people dared not to act as informers and divulge to the security agencies the hideouts and plans of militants. Naturally under these circumstances there was no other alternative for the minority community of Hindus to leave the valley. Alongwith the spree of killings of Muslims and Hindus, militants resorted to abductions, rapes and molestations. This is explained by the following Government report:-

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As per the report there were 54 incidents of rape betwen 2002 and 2009.However, there were rape incidents in scores between 1990 and 2001 but all these incidents were neither registered nor the police had filed any FIR. It was the result of two factors. One the level of scare of militants, between 1990 and 2000, was so high that none dared to report rape against one or a group of militants. Secondly, the entire police force in the Kashmir valley was in disarray and demoralised after many among them were attacked and killed. In fact a major section in the police thought it better to adopt a passive attitude in order to ensure safety for them and their family members.

Similarly there were 58 incidents of molestation and that too registered between 2000 and 2009. There was no record of such incidents having taken place during the first decade of insurgency. Militants were so harsh that there was no report about the whereabouts of over 111 persons who are said to have disappeared. Militants also eliminated over 111 civilians whom they had first taken into custody.

Thus between 1990 and 2000, it was a dance of death and destruction staged by militants. While incidents of subversive violence kept on increasing, people in the valley continued to relish interest in their aggrandisement. Those in Government service worked hard to get promotion, members of the student community remained in search for professional courses and jobs outside Jammu and Kashmir.

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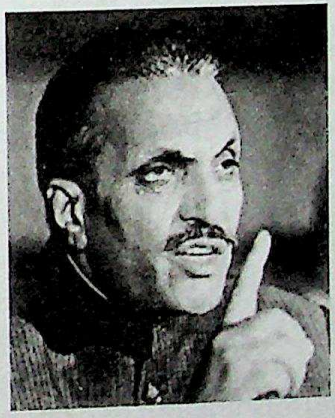
ZIA'S OPERATION TOPAC



Gen.Zia-ul-Haq

If one is pained over what happened to the State of Jammu and Kashmir and to its people, Hindus, Muslims, Sikhs, Christians and Buddhists, during the last over 20 years, one is convinced that all the destruction, pains, separation, deaths and irreparable losses were the result of a well planned strategy framed in Pakistan. And the author of this scheme, called the Operation Topac, was Pakistan's military ruler, Gen. Zia-ul-Haq. Gen. Zia,

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actually wanted to improve upon the Operation Gibralter that had been conceived and implemented in 1965. Since Gen. Zia was in service in the Army in 1965 he must have been aware of the pitfalls of the Operation Gibralter under which Pakistani soldiers had been infiltrated into Jammu and Kashmir for indulging in acts of sabotage and subversion.

The Operation had failed after the infiltrators were arrested. It failed to achieve the desired results even though it ended in a war between the two sides. Experts then and later had come to believe that the operation had failed because it had not received support and assistance from the people, especially the youth, in the Kashmir valley.

If militancy took roots in the middle of 1988 the contours of the Operation Topac had been prepared between 1986 and 1987. Topac usually means shining. But the Operation Topac has not shown any light to the people of Jammu and Kashmir but had opened the doors for death and destruction. If you ask any Kashmiri Pandit, who has been the worst victim of the operation, the meaning of Topac, he is quick to define it as the operation that was aimed at carrying out Torture, Oppression, Paralysing life, Arson and Cannonball.

Deviation apart, militants carried out the operation as framed by Gen.Zia. It has definitely caused economic bleed to India and widespread death and destruction in Jammu and Kashmir. The various clauses of the operation were not implemented only within Jammu and Kashmir but in other areas in India too. What were the main

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features of the Operation Topac? It would be proper to refer to the speech of Gen. Zia that he gave while making a presentation of the operation before senior functionaries of the Army and the ISI.

A presentation by General Zia in April 1988 in a ISI (Inter Service Intelligence) Pakistan's military intelligence agency conference:-

"Gentlemen, I have spoken on this subject at length before, therefore, I will knock out the details. As you know, due to our pre-occupation in Afghanistan, in the service of Islam, I have not been able to put these plans before you earlier. Let there be no mistake, however, that our aim remains quite clear and firm the liberation of Kashmir Valley - our Muslim Kashmiri brethren in the valley cannot be allowed to stay on with India for any length of time now. In the past we had opted for hamhanded military options and, therefore, failed. So, as I have mentioned before, we now keep our military option for the last moment as a *coup de grace*, if and when necessary. Our Kashmiri brethren in the valley, though with us in their hearts and minds, are simple-minded folk and do not easily take to the type of warfare to which, say a Punjabi or an Afghan takes to naturally, against foreign domination. The Kashmiris, however, have a few qualities which we can exploit.

First, his shrewdness and intelligence; second, his power to presevere under pressure; and the third, if I may say so, he is a master of political intrigue. If we provide him means through which he can best utilize

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these qualities- he will deliver the goods. Sheer brute force is in any case not needed in every type of warfare, especially so in the situation obtaining in the Kashmir valley, as I have explained earlier.

Here we must adopt those methods of combat which Kashmiri mind can grasp and cope with, in other words, a coordinated use of moral and physical means other than military operations, which will destroy the will of the enemy, damage his political capacity and expose him to the world as an oppressor. This aim, Gentlemen, shall be achieved in the initial phases.

In the first phase, which may, if necessary, last a couple of years, we will assist our Kashmiri brethren in getting hold of the power apparatus of the State by political subversion and intrigue. I would like to mention here that as no Government can survive in Occupied Kashmir unless it has tacit approval of Delhi, it would be unrealistic to believe that the MUF or any such organization can seize power through democratic or other means. In view of this, power must "apparently" remain with those whom New Delhi favours. We must, therefore, ensure that certain "favoured politicians" from the ruling elite be selected who would collaborate with us in subverting all effective organs of the State. In brief, our plan for Kashmir, which will be code named as "Op Topac" will be as follows:

Phase 1. A low-level insurgency against the regime, so that it is under siege, but does not collapse as we would not yet want certral rule imposed by Delhi.

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We plant our chosen men in all the key positions, they will subvert the police force, financial institutions, the communication network and other important organizations. We whip up anti-India feelings amongst the students and peasants, preferably on some religious issues, so that we can enlist their active support for rioting and anti-Government demonstrations. Organize and train subversive elements and armed groups with capabilities, initially to deal with paramilitary forces located in the valley.

Adopt and develop means to cut off lines of communications between Jammu and Kashmir and within Kashmir and Ladakh by stealth, without recourse to force. The road over Zojila upto Kargil and the road over Khardungla should receive special attention. In collaboration with Sikh extremists create chaos and terror in Jammu and divert attention from the valley at a critical juncture and discredit the regime even in the Hindu mind. Establish virtual control in those parts of Kashmir Valley where the Indian army is not located or deployed. The Southern Kashmir Valley may be one such region.

Phase 2. Exert maximum pressure on Siachen, Kargil and Rajuri-Punch sectors to force the Indian army to deploy reserve formations outside the main Kashmir Valley. Attack and destroy base depots and HQ located at Srinagar, Pattan, Kupwara, Baramulla and Chowkiwala by covert action at a given time.

Some Afghan Mujahideen by then settled in Azad Kashmir, will then infiltrate in the pockets with a view to

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extending areas of our influence. This aspect will require detailed and ingenious planning. The fiasco of Op Gibralter (1965) holds many lessons for us here. Finally, a Special Force under selected retired officers belonging to Azad Kashmir, with the hard core consisting of Afghans, will be ready to attack and destroy airfields, radio stations, block Banihal Tunnel and Kargil-Leh Highway.

At a certain stage of the operations Punjab and adjacent areas of Jammu and Kashmir will be put under maximum pressure internally by our offensive posture.

Phase 3. Detailed plans for the liberation of Kashmir Valley and establishment of an independent Islamic State in the third phase will follow.

We do not have much time. Maximum pressure must be exerted before the general elections in India and before the Indian Army reserves which are still bogged down in Sri Lanka become available. By the Grace of God, we have managed to accumulate large stocks of modern arms and ammunition from the US consignments intended for Afghan Mujahideen. This will help our Kashmiri brethren achieve their goals. Even if we create a kind of "Azad Kashmir" in some remote parts of Occupied Kashmir as a beginning, the next step may not be as difficult as it appears today. On the other hand, it should also be noted that a part of Indian Army, particularly the Infantry, will be well trained by now for such a situation due to their experience in North Eastern

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Region and more recently in Sri Lanka. But the situation in Kashmir will be somewhat different; more like the "Infefada" of Palestinians in towns, and on the pattern of Mujahideen in the countryside to attack hard targets. A period of chaos in the State is essential in the circumstances.

And what about our Chinese friends ? They can do no more than ensure that Indian forces deployed against them are not moved out; but this may be required only at the last or the third stage of our operations. Of course, if we are in a serious trouble, the Chinese and our other powerful friends shall come to our rescue one way or the other. They will ensure that if we do not win - we don't lose. Finally, I wish to caution you once more that it will be disastrous to believe that we can take on India in a straight contest. We must, therefore, be careful and maintain a low military profile so that the Indians do not find an excuse to pre-empt us, by attacking at a time and at a point of their own choosing at least before Phase I and 2 of the Operation are over. We must pause and assess the course of operations after each phase, as our strategy and plans may require drastic changes in certain circumstances. I need not emphasize any further that a deliberate and objective assessment of the situation must be ensured at each stage, otherwise a stalemate will follow with no good for Pakistan. Pakistan Paindabad."

After the death of Gen. Zia-ul-Haq, in a plane crash in August 1988, successive rulers in Pakistan, besides the

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senior functionaries in the Army and the ISI, carried out certain additions to the Operation but the basic concept was retained. Under these additions, the number of foreign mercenaries pushed into Jammu and Kashmir increased after 1988 to ensure that all the apples were not placed in the basket of local militants who could either be won over by the Government or who would easily succumb to pressure from the Indian security forces. At one stage the number of militant outfits in the Kashmir valley was over 120. Even there were outfits which were run and manned by a couple of gun-toting youths.

The number of militant outfits was deliberately increased to cause confusion among the Indian security and intelligence agencies as far as their counter insurgency operations were concerned. Later, Pakistani agencies opted for banking on not more than half a dozen outfits and these agencies reposed more trust on the activists belonging to Lashkar-i-Toiba, Jaish-e-Mohammad, and Hizbul Mujahideen. One reason for bringing down the number of outfits was to rule out the possibility of gang wars.

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MIDNIGHT KNOCK

With local militants and foreign mercenaries having extended their network not only to various areas in the Kashmir valley but also to the different belts in Poonch, Rajouri, Doda, Kishtwar districts. besides some pockets of Udhampur and Reasi districts. People in the Jammu region were gripped by panic when militants started carrying out gun and grenade attacks in different areas in the region since 1993.

The mountain routes linking Kishtwar with Anantnag and Poonch with Shopian in south Kashmir, were used by a majority of militants infiltrating into Poonch and Rajouri from across the LOC, for trekking to south Kashmir areas for indulging in subversive activities.

As their number increased following a step-up in the rate of ingress and the area of their operation also having been widened they had to fend for food and shelter. A new development took place under which militants, in search of food and shelter, were seen knocking the doors of residential houses in villages situated in the remote areas of the state. Initially people provided them, out of

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scare, food and shelter. But after the militants indulged in extortion of different hues, people were gripped by scare after they indulged in killings and abductions in the houses where shelter and food had been provided to them. This led to migration of people from various villages in Poonch, Rajouri, Kishtwar and Doda districts besides some pockets of Reasi district to safer places. Among the migrants from adjoining areas of Jammu included not only Hindus but Muslims too. Against this, Hindus and Sikhs had migrated from the valley in 1990.

At one stage about 18, 000 Sikhs, who migrated to Jammu, had registered themselves with the Relief Commissioner for securing free ration and cash assistance on the pattern of Kashmiri Pandits.

However, within one year, majority of Sikh migrants returned to the valley after one senior Akali Dal leader Simranjit Singh Mann, pleaded with the leaders of militant outfits and other separatists that Sikhs be not touched.

Despite this, several thousand Sikh families have purchased or constructed houses not only in Jammu but in the neighbouring Punjab state. The purpose was to have an alternate accommodation in case they were forced to leave the valley lest they should suffer mental and physical tension which the Pandits had passed through while living in tented colonies and one-room tenements.

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At one stage the Jammuites were keen to see migrants from Kashmir returning to the valley. The element of suspicion between the Kashmiri Pandits and the Jammuites has roots in the past. The Jammuites were unhappy with a sizeable number of Pandits holding senior positions in the Government offices and public sector enterprises. They would be equally unhappy when they saw quite a good number of Pandit boys and girls getting more share than their population in the Government services and in the professional colleges. Those who were jealous of Kashmiri Pandits did not bother to know the real reason for it was that they had better qualification and merit than other communities.

It was but natural that the Jammuites started harbouring fears about the zero possibilities of Pandits returning to the Valley. According to D.S. Prashant, senior journalist, the Jammuites had fears, as he had been told by many of his friends and acquaintances, that the boys belonging to Jammu may prefer marrying girls belonging to the displaced families from Kashmir because of their fair complexion. He had told me one day in 1991-92 that the Jammuites were worried as they believed that there may not be many suitable boys hailing from Jammu who would be prepared to tie the nuptial knot with the girls of the region. These fears had proved false as Kashmiri Pandit boys and girls married even non- state subjects, right from Punjab-Haryana belt to Maharashtra,

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Gujarat, Kerala and Chennai. And luckily no girl belonging to the region of Jammu, remained unmarried for the last 21 years. Those who could not marry were either mentally or physically deformed.

By 1994-1996, traders, transporters and house owners realised that Kashmiri Pandits displaced from the valley posed neither any threat to their job and social security nor had they the potential for carrying out cultural aggression on the Jammuites. Instead they found the displaced Pandits were spending between Rs.10 crores and Rs.15 crores a month which profited traders, transporters and house owners. This realisation and reality diluted the level of suspicion against the Pandit migrants.

In support of this contention I have had several eyewitness accounts which indicated that whenever the Government initiated moves for encouraging Pandits to return to Kashmir, these traders, transporters and house owners tried their best to force Pandits to develop cold feet as far as their return was concerned. When reports regarding Government's bid to take Pandits back to Kashmir traders, transporters and house owners were upset because they realised that once the Pandits were back to the valley, their monthly income started comming in Jammu was bound to decrease.

A number of my relations , who were living in Bakshi Nagar area of the city of Jammu, had told me that a number of traders, from whom they would purchase their

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provisions and household goods worth several thousand rupees, had started convincing the Pandits that the security environment in Kashmir was not conducive for their return.

When over 3.50 lakh Pandits migrated to Jammu in the beginning of 1990, they did so to save themselves and their family members. They fled the valley to save the honour of their women and ensure safety for their children. At the time of their exodus majority of Pandits had never visualised that they may have to spend 21 years in adverse weather conditions. They had never dreamt of their migration to the plains getting prolonged by over two decades which surpassed even Lord Rama's 14 -year exile. Majority of the displaced people had hopes of their return to their land of birth within a few months, if not within a few weeks. This hope was the outcome of their belief that the security forces, including the Army, would be in a position to tame militants, operating in the state.

The Kashmiri displaced families had no idea of spending 21 years in the plains as they had hopes that their Muslim brethren would throw away scare and welcome the Pandits back in the valley with open arms. Except for those who were trying to implement the plan framed by Gen. Zia-ul-Haq in 1988, other Muslims had become helpless and watched the pathetic exodus like passive spectators. There were areas in the valley where Muslim neighbours had delayed exodus of several

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hundred Pandits by giving them assurances on their security. Even my parents and cousins, who had not fled the valley in 1990, continued to live at Naidyar in Rainawari vicinity of Srinagar city after their Muslim neighbours had assured them that nobody will touch them. But within less than a year of the general exodus, my parents and cousins were told in clear terms by their Muslim neighbours that it was better for them to shift to some safer place near the Cantonment area in the city which they followed.

If the majority of displaced people left behind immovable assets, including houses and land which could have been sold before their migration, they did so as they believed that their exodus was a temporary phase. Majority of Pandits left the valley with minimum of their belongings and many among them had not even closed their bank accounts and retrieved their gold ornaments and other precious jewellery from the bank lockers. When I, along with my wife and daughter, left the valley on leave a few days before the exodus of Kashmiri Pandits, I had not withdrawn a box containing gold ornaments of my wife from the bank locker because I had never dreamt of spending over 21 years in exile. I had never thought of a situation that would not allow me to return to the valley after availing the leave period.

One Muslim friend, working in the Sher-i-Kashmir University for Agricultural Sciences and Technology(K) helped me by sending one of his orderlies to the bank

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and retrieved the locker containing my wife's ornaments. This he could do after I had signed the required documents issued by the bank. These documents were taken by the orderly to the bank where he was able to retrieve the box containing the ornaments. Not many had been as lucky as I was.

Number of Pandit leaders had told me that scores of displaced people lost the money they had deposited in banks when their signatures were forged with the connivance of the employees of various banks. When one leader was asked to substantiate his charge, he cited the instance of a chemist at Naidyar. He had opened an account in the Naidyar Branch of Jammu and Kashmir Bank limited. This bank branch was hardly 200 feet away from his shop. Some unidentified persons had forged his signature and withdrawn the entire cash from his account. The bank officials may have helped him in forging the chemist's signature. The man was hit by severe tension which proved fatal.

Another Pandit leader referred to a Kashmiri Pandit who had lost mental poise after he found that the two trucks,which were loaded in his godown in Srinagar with motor vehicle spare parts, including tyres and tubes, had been stolen by the drivers. Fortunately I saw the trader, a man lost in his thoughts, walking hither and thither in the premises of Allahabad Bank in Jammu. One Bank manager V.K Bhat had told me that the man behaving like a person lost in his thoughts and sorrows, was the

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victim of pilferage of the goods he had packed in two trucks in Kashmir. There are many Pandit migrants whose fate was similar to the one of the traders I met in Allahabad Bank branch in Jammu.

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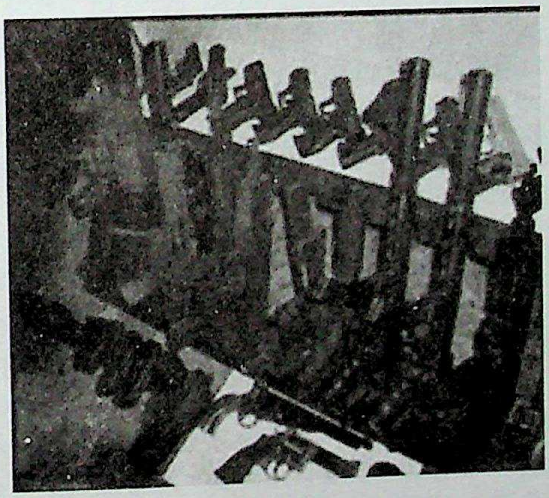
ARMS, AMMUNITION AND EXPLOSIVE SMUGGLING



Arms recovered from militants

When Gen. Zia-ul-Haq started implementing Operation Topac conceived by him, he did not want Kashmiri militants, who were trained in camps in Pakistan and occupied Kashmir, and the foreign mercenaries, who were pushed into Jammu and Kashmir, to carry out acts of violence with sticks and stones.

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Both local militants and foreign mercenaries crossed into Jammu and Kashmir with sophisticated weapons, high grade explosives and ammunition. In the initial stages of militancy-related activities the gun-toting youths used plastic bombs that exploded with a deafening sound and caused extensive damage to the buildings and bridges. With these sophisticated weapons, arms and explosives, militants enacted scenes of death and destruction on a large scale. The Government report on all developments and events between January 1990 and January 31,2009 makes a frightening reading because of the use of weapons and explosives on a massive scale.

During this period, militants hurled as many as 6135 grenades, caused 5658 explosions and IED blasts. This way many areas in the State were rocked and rattled when militants exploded 11793 grenades and bombs. Between 1990 and 2009 militants indulged in a large scale arson and the total number of incidents of arson, in which private and government houses besides office and school buildings, were destroyed, had touched 6134.

That militants had been equipped with rockets was revealed when as many as 786 rockets were fired on pickets of security forces and Government installations between 1990 and 2009. During the same period the gun crazy militants resorted to 36577 incidents of random cross firing. In the initial stages of Pakistan

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sponsored insurgency, militants would indulge in abductions in order to create scare so that people cooperated with them and for securing release of some militants arrested by the security forces. The rate of abductions started swelling from 1990, when 169 persons were kidnapped, to 1998 when the total number of kidnapping cases had touched 666. And if in 2008 there were 39 cases of abductions it was nil in 2009. The total number of incidents of abductions between 1990 and 2009 was 5516.

Invariably, security forces remained the main target of attack by the militants. Between 1990 and 2009 militants carried out as many as 22, 218 gun and grenade attacks on the security forces. In these attacks as many as 5220 security personnel were killed which included 881 policemen, 459 SPOs and 130 VDC members. As many as 12, 617 security personnel were killed.

Against this as many as 20, 865 militants were killed in operations launched by the security forces and the police. And between 1990 and 2009, 4, 02 6 militants had surrendered. During this period 20, 044 persons, including terrorists, subversive elements and supporters of militants were arrested.

Other reports revealed that between 1990 and 2009, 47,000 people were killed in Jammu and Kashmir which included 21,323 militants, local as well as foreign mercenaries. According to these reports, 13, 226

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civilians were killed by militants during this period and 3, 642 civilians were killed by the security forces. As many as 5369 security personnel were killed by the militants.

The seizure of weapons and explosives clearly indicates that agencies across the LOC had equipped militants with adequate quota of what may be called war machinery. As far as assault rifles, AK-47 AK-56 and AK-74, are concerned, the security forces seized 29907 rifles between 1990 and 2009. Along with these rifles, the security forces recovered 10, 829 revolvers and pistols which were being used by militants. Other seizures were 1020 UMGs, 2089 RPGs, 210 LMGS and SLRs, 285.303 rifles, 383 sniper rifles and 2748 rocket boosters.

The report says that between 1990 and 2009, the security forces recovered 67, 249 assault rifles magazines,10456 magazines of pistols and revolvers, 1364 magazines of UMG, LMGs and SLRs. As much as 12, 437 kgs of RDX were seized and had the militants succeeded in using this high grade explosive, major areas, in the Kashmir valley would have been fully ravaged and devastated. As far as other explosives were concerned, the security forces recovered 31,298 kgs,5, 846 IEDs,60,630 grenades and hand grenades,5,601 AP mines, 520 AT mines 4,640 rockets and 6, 244 wireless sets between 1990 and 2009.

If in 1990, 1280 militants infiltrated into Jammu and Kashmir, their number continued to swell thereafter and between 1995 and 1998, the number of infiltrators ranged between 3,200 and 3,720 per year. And from 2004

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onwards the rate of ingress witnessed marked decline. From 1999 to 2007 the State winessed some Fidayeen attacks and the total number of such incidents was 90. Between 1990 and 2008 there were 333 incidents of custodial killings, 111 cases of disappearances, 54 cases of rape victims and 58 cases of molestation.

As far as killing of political leaders is concerned, National Conference is on the top of the list with 411 party activists having been killed by militants. It is followed by 84 Congressmen, 15 BJP, 96 PDP, 6 CPI (M), 15 Awami League activists, 12 Janata Dal, 3 Awami National Conference, 2 Peoples' Conference, 2 of Muslim United Front, 3 of Awami Action Committee, which includes its chairman, Molvi Farooq, 14 independents, 2 of Jamait-e-Islami, two Panthers Party, one belonging to Awami Mahaz, two from Awami National Party, one from Akali Dal, one from ABVP, three of Nationalist Congress party. If, on one hand Pakistan-sponsored terrorist activities caused death and destruction in Jammu and Kashmir, on the other it led to the modernisation of police and its weaponary. For years, the police in Jammu and Kashmir used to be equipped with. 303 rifles and now right from a constable to a gazetted officer, they hold assault rifles and SLRs.

Even the means of communication and transport in the police department has undergone a major improvement.

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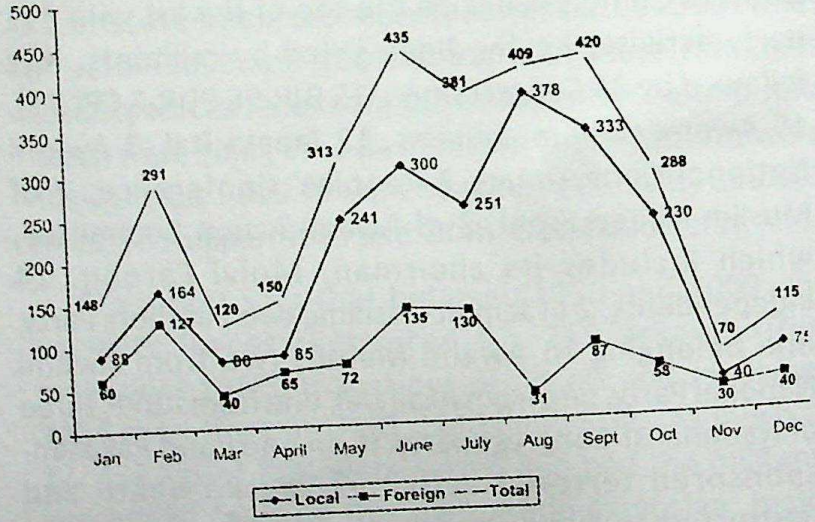
INFILTRATION DURING THE YEAR 2001



There has been an ebb and flow in the rate of infiltration of local and foreign militants into the State between January and December 2001. As many as 3,138 militants crossed into the state from across the border in 2001. Since the infiltration routes in Kupwara, Uri, Gulmarg and other areas remain buried under snow, the rate of infiltration during the winter months in 2001 went down. During the summer months, between May and October, the rate of ingress remained quite high. Out of 3,138 infiltrators, 2, 246 crossed into Jammu and Kashmir between May and October.

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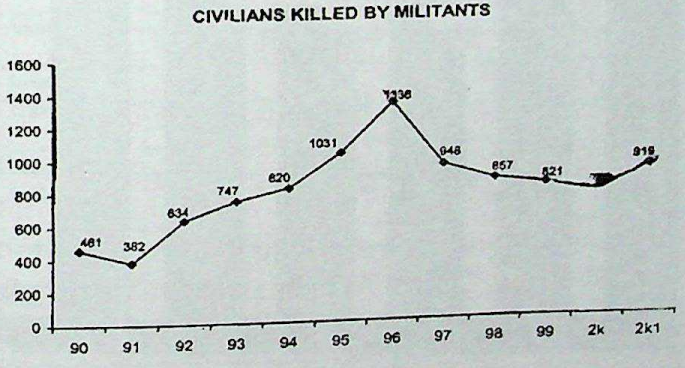
CIVILIANS INCLUDING CITIZENS KILLED BY MILITANTS

90	91	92	93	94	95	96	97	98	99	2K	2K1	Total
461	382	634	747	820	1031	1336	948	857	821	762	919	9718



Year 2001 witnessed killing of 919 civilians including 123 prominent citizens and 94 ladies. Among the prominent persons killed, 52 were political leaders/ activists, 48 Government employees, *03* businessmen and 10 others.

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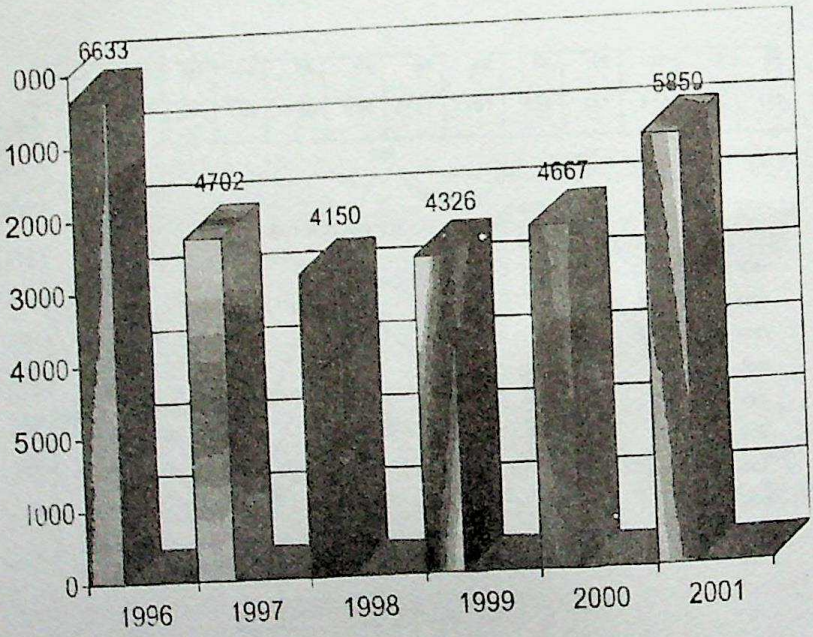
INCIDETNS IN TOTALITY



Even if the militancy related incidents in Jammu and Kashmir during 2001, showed a downward trend when compared to the incidents registered in 1996, they were on a higher side than witnessed during the last four years. In fact the scales of incidents have been fluctuating between 1996 and 1999. There was gradual decline in the number of incidents, from 6,633 they dropped to 4,326, the curve went up again in 2000 and 2001, from 4,667 to 5,850.

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INCIDENTS IN TOTALITY (JANUARY 1990 TO DEC. 2001)

S. NO	DESCRIPTION	PERIOD												TOTAL
		'90	'91	'92	'93	'94	'95	'96	'97	'98	'99	2K	2K1	
1	Hurling of Grenades	242	402	509	678	821	579	444	168	187	201	243	373	4847
2	Explosions / IEDs	1280	275	248	327	347	366	358	255	264	293	294	402	4709
3	Arson	709	485	678	707	606	688	458	259	177	136	129	274	5306
4	Rocket Attacks	45	162	105	71	87	43	39	32	22	56	31	35	728
5	Random firings	744	778	859	1026	1149	1262	1428	950	795	838	692	898	11419
6	Cross firings	475	1126	1765	1628	1865	1891	1089	959	1126	1205	1241	1733	16103
7	Arms Snatching	27	11	25	43	14	4	8	13	17	17	15	54	248
8	Abductions	169	290	281	349	368	548	666	448	298	241	266	335	4279
9	Other Acts of Violence	467	236	347	418	572	557	524	336	46	84	143	418	4148
10	Violent incidents direct against Security Forces	732	1358	1934	2288	2675	2570	1473	1149	1181	1209	1498	1109	19176
11	Processions/ Demons	263	483	564	452	280	223	51	61	12	22	54	95	2560
12	Hartals (calls given by militants/ subversives)	-	-	-	-	-	-	95	72	25	24	41	122	379
	Total	5153	5606	7315	7987	8784	8731	6633	4702	4150	4326	4667	5850	73902

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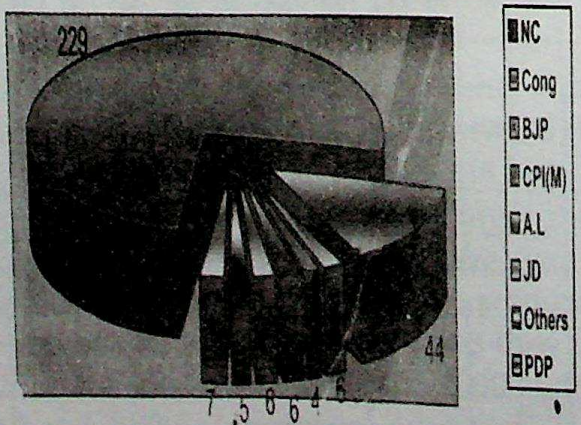
Details of political activists killed by militants w.e.f Jan. 1996 to ending Dec. 2001

YEAR	NC	Cong.	BJP	CPI (M)	Awami League	JD	Others	PDP	Tot
1996	36	19	1	0	0	3	2	0	61
1997	40	9	0	1	1	3	3	0	57
1998	45	5	0	1	1	0	0	0	52
1999	36	4	3	1	3	0	0	0	47
2000	27	1	2	1	0	0	0	4	35
2001	45	6	0	0	1	0	0	3	55
Total	229	44	6	4	6	6	5	7	307

POLITICAL ACTIVISTS KILLED



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They were the rulers and they were the losers. This is the story of politicians belonging to the ruling National Conference. Between 1996, and 2001 when the National Conference enjoyed power after winning the Assembly poll the party lost 229 activists. The ruling party leaders and workers were the main target of the terrorists indicating that the militants saw in the National Conference a main political force that could act as fortress against forces determined to subvert democracy. Political activists from the Congress, the BJP, the CPI(M) and other mainstream political organizations were an exception. The Congress lost 44 partymen in the last 12 years.

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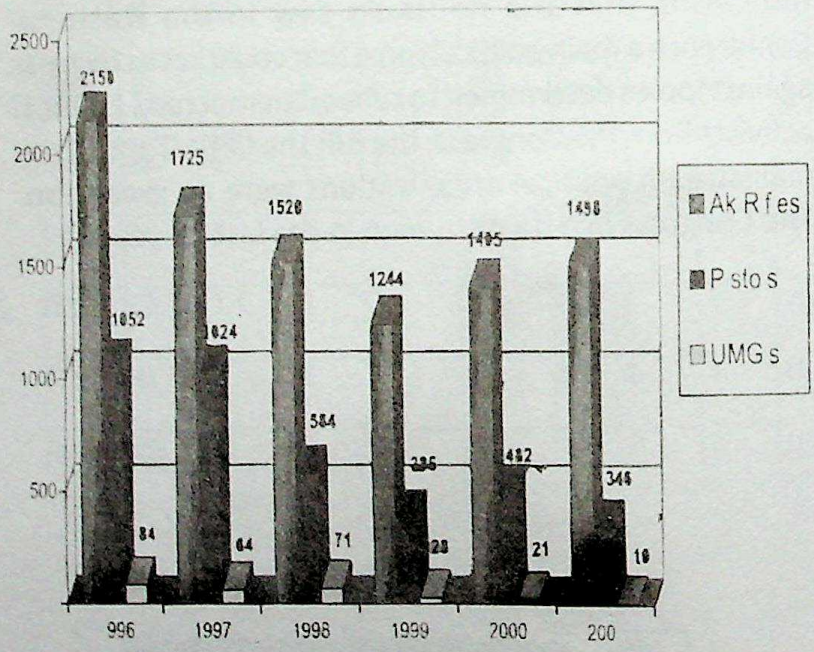
RECOVERY OF ARMS



People in Kashmir would approach a butcher for slaughtering chicken. The hands that did not dare to wield a knife held pistols to shoot innocent people. Both AK-Rifles and pistols became a symbol of status and authority for militants who pushed poets, writers and intellectuals to the wall. During the last 12 years, 9097

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pistols were recovered from the militants and out of this 346 were seized during 2001. AK series rifles, considered a deadly weapon, recovered during the year is whooping 1498. This trend does not go with the Kashmiri culture and ethos. The fanatic forces are trying to convert the land of Sufis and Saints into a graveyard. The people's resolve is going to thwart it.

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RECOVERY OF ARMS/ AMMUNITION/ ACCESSORIES

DESCRIPTION	Years												TOTAL
	'90	91	'92	'93	'94	'95	'96	97	'98	'99	2K	2K1	
WEAPONS													
AK Rifles	1240	2320	3504	2209	2196	2055	2150	1725	1520	1244	1405	1646	23214
Pistels / Revelver (s)	751	849	756	921	940	965	1052	1024	584	365	482	370	9079
UMG (s)	77	130	164	142	127	67	84	64	71	28	21	10	985
Carbinet (s)	0	0	0	1	34	1	6	3	7	5	0	0	57
RPG (s)	65	83	97	42	84	44	46	38	104	144	53	140	942
GPMG (s)	0	18	0	7	11	9	9	5	3	1	0	0	63
LMG/SLR	0	3	1	5	14	10	9	12	7	7	2	10	80
.303 Rifles (s)	0	4	7	10	22	22	36	3	7	16	7	8	142
Sinper Rifle (s)	0	0	9	54	41	35	49	60	34	13	16	12	326
Rocket Launcher (s)	108	29	62	36	31	36	43	81	140	42	59	39	706
Rocket Booster(s)	74	163	135	61	66	24	119	208	292	475	273	240	2121

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The seizure of arms and ammunition between 1990 and 2001 clearly indicates that militants were equipped with different war machines which they have used recklessly for destabilising peace and for causing destruction in Jammu and Kashmir. The recovery of arms also indicates that the assault rifles have been the main weapon in the hands of, militants to cause bloodshed in the State. During the last 12 years security forces recovered 23,214 AK Rifles apart from 98 UMGs and 942 RPGs.

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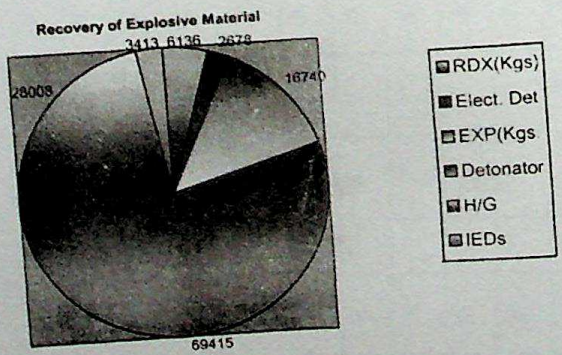
RECOVERY OF EXPLOSIVE MATERIAL
(For the years 1996, 1997, 1998, 1999, 2000 and 2001)

	1996	1997	1998	1999	2000	2001	TOTAL
RDX (in Kgs)	104	342	769	866	1508	2547	6136
Electronic Detonators	174	172	614	804	481	433	2678
Explosive in Kgs.	2381	6448	2922	2182	1798	1009	16740
Detonator	5138	10442	5511	43102	3303	1919	69415
Hand Grenades	3949	5124	5883	4093	4807	4152	28008
IEDs	245	1020	514	466	718	450	3413



Militants used high grade explosives for effecting the bigger damage and destruction. They handled grenades and other explosives more recklessly than the revellers

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use fire crackers during the Diwali Festival or during the wedding ceremony. It was a total plunder of the scenic Kashmir valley with the thunder of RDX, IEDs and hand grenade explosions, in which several hundred people died and a large number of civilians and security personnel were maimed. Hand grenades remained another killer weapon in the hands of militants which is evident from the recovery of 28,008 hand grenades from militants during the last six years. In 2001 as many as 4,152 hand grenades were seized from the militants.

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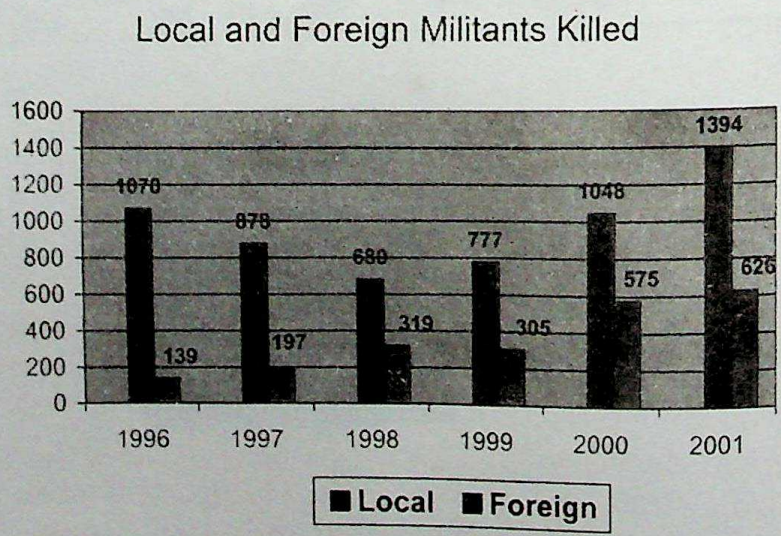
LOCAL AND FOREIGN MILITANTS KILLED

LOCAL AND FOREIGN MILITANTS KILLED

Militants killed	'90	'91	'92	'93	'94	'95	'96	'97	'98	'99	2K	2k1	Total
Local	536	832	805	1220	1474	1247	1070	878	680	777	1054	1394	11997
Foreigner	14	12	14	90	122	85	139	197	319	305	436	626	2359
Total	550	844	819	1310	1596	1332	1209	1075	999	1082	1520	2020	14356



No doubt large number of security personnel and civilians were killed by militants, the rate of elimination of rebels registered a marked upward curve since 1998.

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And during 2001 as many as 2020 militants were eliminated in the State which is the highest figure since 1990 when militancy took roots in Jammu and Kashmir. Since 1996, foreign mercenaries too have registered their presence in the State which is evident from the increase in the rate of their elimination during the last six years. If in 1996, 139 foreign militants were killed, the number of those gunned down by the security forces swelled to 575 in 2000 and 626 in 2001.

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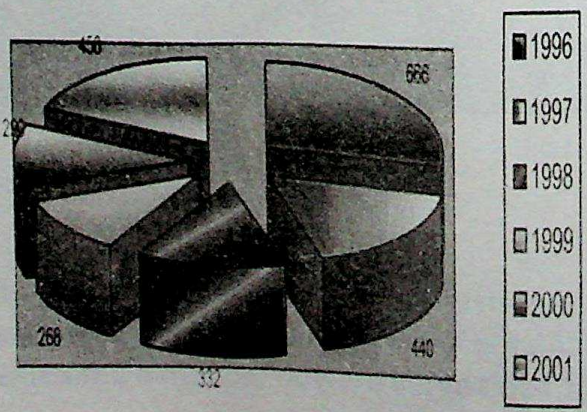
KIDNAPPINGS BY MILITANTS

S. N0		89	90	91	92	93	94	95	96	97	98	99	2k	2k1	Total
1	Incidents	2	57	100	124	181	332	395	473	448	298	241	286	335	3272
2	Foreigners	-	-	12	-	-	2	6	-	-	-	-	1	-	21
3	Women	-	8	8	13	26	20	31	20	19	10	16	15	19	205
4	Politicians	-	33	53	26	4	3	3	4	3	0	0	1	9	139
5	Govt. Officials	-	21	27	43	37	36	55	48	39	2	0	0	4	312
6	SF personnel	-	12	29	38	92	25	14	21	20	7	5	12	30	305
7	Other civilians	2	0	30	63	110	282	439	574	359	313	247	261	394	3073
	Persons Abducted	2	74	159	183	269	368	548	666	440	332	268	290	456	4055
9	Killed	1	29	29	38	92	157	207	345	164	124	93	124	181	1583
10	Released	1	32	73	112	128	164	163	104	82	26	46	55	125	1111
11	Where abouts not known	-	-		-	-	-	-	-	-	-	129	111	150	390

KIDNAPPING BY MILITANTS



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Kidnapping and killing continued to remain a vital feature of Pak-sponsored terrorism in Jammu and Kashmir. Though in comparison to 1995 and 1996, when 548 and 666 persons were abducted respectively, the number of abductions in 2001 was 456, definitely on a lower side; the figure, at the same time, was higher than recorded in 1997, 1998, 1999 and 2000. Out of 456 persons abducted, militants killed 181 in 2001 which was the highest in the last 12 years except that in the 1995 and 1996 when 207 and 345 abducted people were killed. No mercy for women. Between 1990 and 2001 as many as 205 women were kidnapped, some were killed, others were raped and released and yet the remaining were forced to marry militants.

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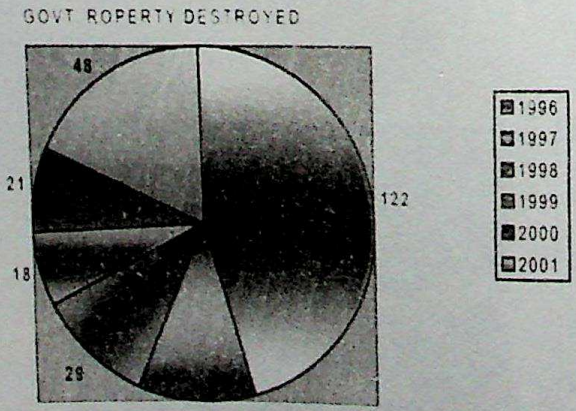
DESTRUCTION OF GOVT PROPERTY BY MILITANTS FROM 1990 TO ENDING 2001.

YEAR	SCHOOLS	BRIDGES	GOVT. BUILDINGS	TOTA
1990	129	172	501	802
1991	24	24	45	93
1992	57	28	65	150
1993	46	34	98	178
1994	119	46	172	337
1995	133	16	127	276
1996	68	2	52	122
1997	11	5	13	29
1998	15	1	13	29
1999	9	2	7	18
2000	6	1	14	21
2001	16	2	30	48
TOTAL	6333	333	1137	2103



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If you destroy schools, you destroy sanity. If you blow up bridges, you demolish the bridges of amity and fraternity. That is what militants have done in Jammu and Kashmir since 1990. The gun and grenade crazy militants set ablaze and blew up 633 school buildings and 33 bridges during the last 12 years. They thought that by destroying the Govt. buildings, they would secure an overthrow of the state administration and hence destroyed 1137 Govt. buildings. *As* compared to 1999 and 2000, when 18 and 21 Govt buildings, including schools and bridges, were destroyed, the rate of destruction of such buildings increased to 48 in 2001. However, the State Government did not collapse with the collapse of bridges and buildings. Militants failed to convert the panoramic valley into a dale of ash and clay. Instead the state witnessed a mushroom growth of residential colonies and shopping centres, Govt projects apart.

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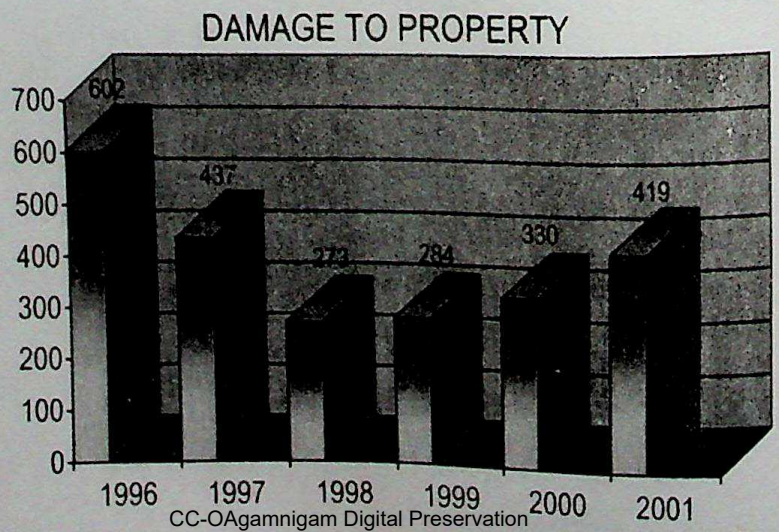
DAMAGE CAUSED TO PRIVATE PROPERTY

S.No	Year	Majority	Minority	Total
1.	1990	698	544	1242
2.	1991	648	171	819
3.	1992	1403	909	2312
4.	1993	600	510	1110
5.	1994	434	232	666
6.	1995	1552	262	1814
7.	1996	432	170	602
8.	1997	303	134	437
9.	1998	189	84	273
10.	1999	233	51	284
11.	2000	302	28	330
12.	2001	366	53	419
	Total	7160	3148	10308



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The dance of arson and destruction was not confined to the Government properly only. Those civilians who had toiled and spent their last penny on building cosy houses were targeted. Militants destroyed houses and shops of the people belonging to both the majority and the minority communities. In 1990, 1992 and 1995, militants almost went on a rampage and destroyed 5368 houses, shops and other structures of civilians. There was a downward trend between 1998 and 2000. However, in 2001 the number went up to 419 indicating that militants wanted to have the State turn into a ghost land.

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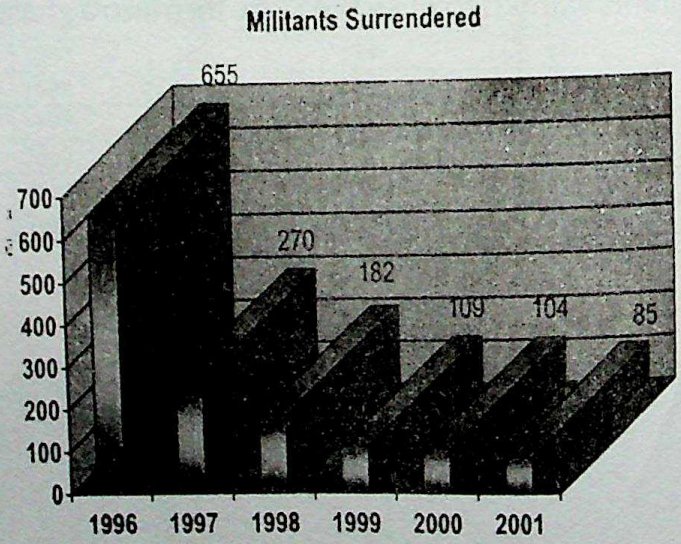
SURRENDER OF MILITANTS

Description	Period												Total
	'90	'91	'92	'93	'94	'95	'96	'97	'98	'99	2K	2k1	
Militants Surrendered	0	612	444	98	32	601	655	270	182	109	104	85	3192



It remained a story of plunder and surrender in Jammu and Kashmir since 1991. The rate of plunder in Kashmir increased and the rate of surrender decreased between 1996 and 2001. In 1996, 655 militants surrendered

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before the security forces and since then the surrender graph has shown a downward curve. In 2001 only 85 militants surrendered. The reason, perhaps, being that foreign mercenaries had taken in hand the string of power flowing from the barrel of the gun. The presence of foreign mercenaries has remained so intense that the local militants are left out-numbered and helpless. Many local militants were killed who were preparing to surrender and several parents of surrendered militants had to face the wrath of these mercenaries.

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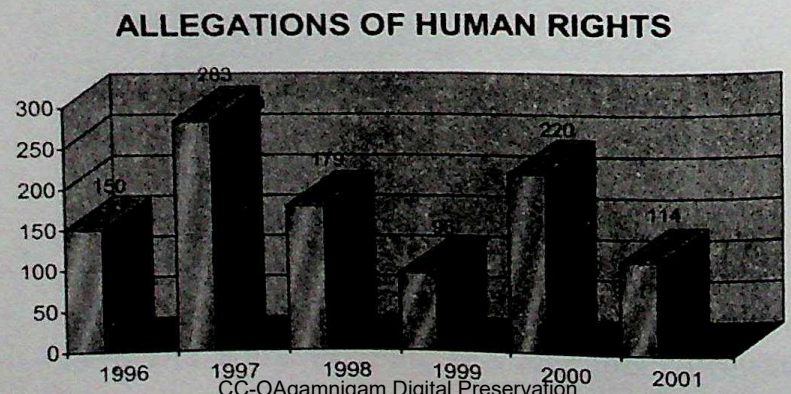
ALLEGED HUMAN RIGHTS VIOLATIONS

Types of allegations	1996	1997	1998	1999	2000	2001	Total
Custodial deaths	61	115	45	35	95	33	384
Innocent killings	25	40	83	09	36	73	266
Torture	07	37	06	04	15	07	76
Beating /Harrasment	14	18	14	17	60	12	135
Rape/Molestation	16	30	13	16	14	19	108
Total	150	283	179	96	220	114	1042



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If 1997 was a dark period as far as alleged human rights violations were concernd , the situation in this sector showed improvement. In 1997 there were 283 allegations of human rights violations but the number dropped to 96 in 1999 and slightly increased in 2001 with 114 complaints. With better management of the security personnel with instructions to avoid harassment and custodial killings, things improved. Operations conducted under supervision of senior officers had also helped in improving the situation.

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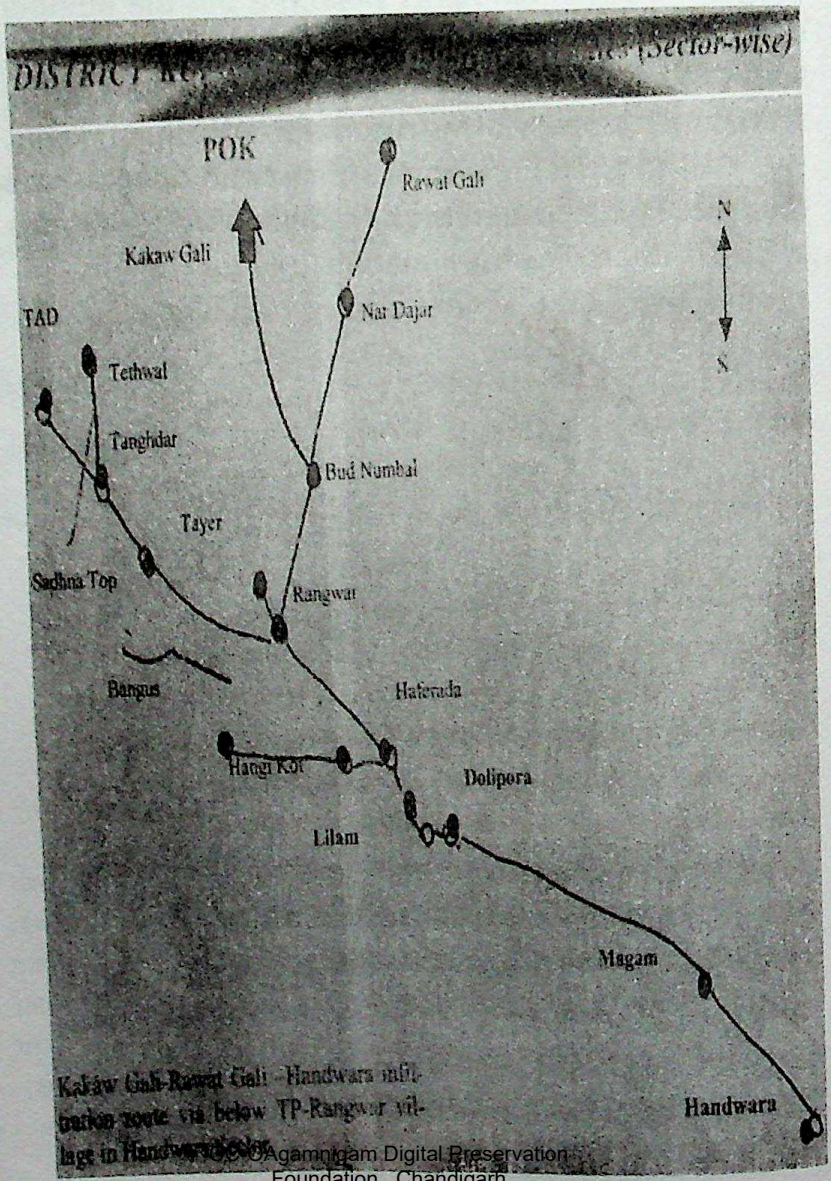
KUPWARA DISTRICT



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The geographical area of Kupwara district is 2379 sq. kms. The district is flanked in the east and south by Baramulla district and in the West and North by LoC separating it from Muzaffarabad, POK. The hilly areas of Karnah, Keran and Machhil are situated on the LOC. Some of the areas like Budnumbal, Jumagund, Kumkari and Lashdar fall in the hilly belt of the district. The district is surrounded by thick forests, mountain slopes and snow clad peaks from three sides.

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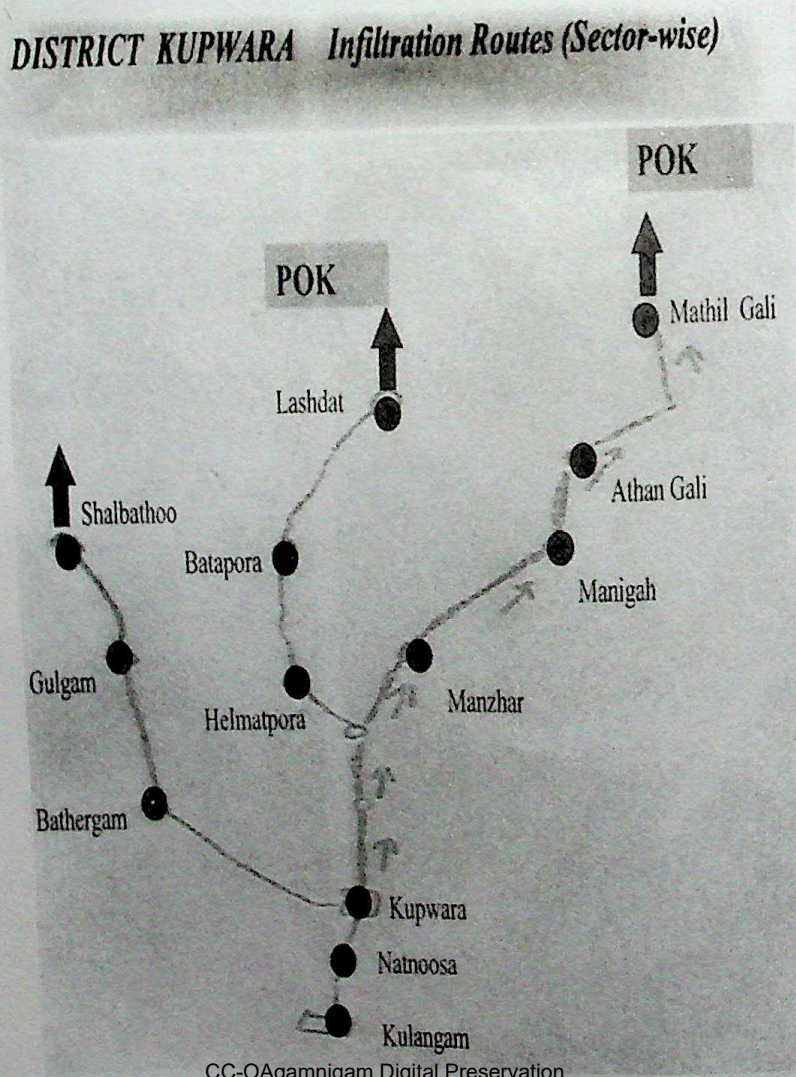
DISTRICT KUPWARA Infitration Routes (Sector-wise)



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IMPORTANT INFILTRATION ROUTES:-

1.	Shalbhathu	11	Roshanpora
2.	Lashdat	12	Poshwari
3	Rawat Gali	13	Shumnag
4	Budnambal	14	Khurhama
5	Reshi Nar	15	Kafar Khan Nullah
6	Mathal Gali	17	Haihama
7	Kakaw Gali	16	Dardpora
8	Budbangus	18	Poshmarg
9	Ring payeen	19	Sundri Gali
10	Domari Gali	20	Dumari Gali

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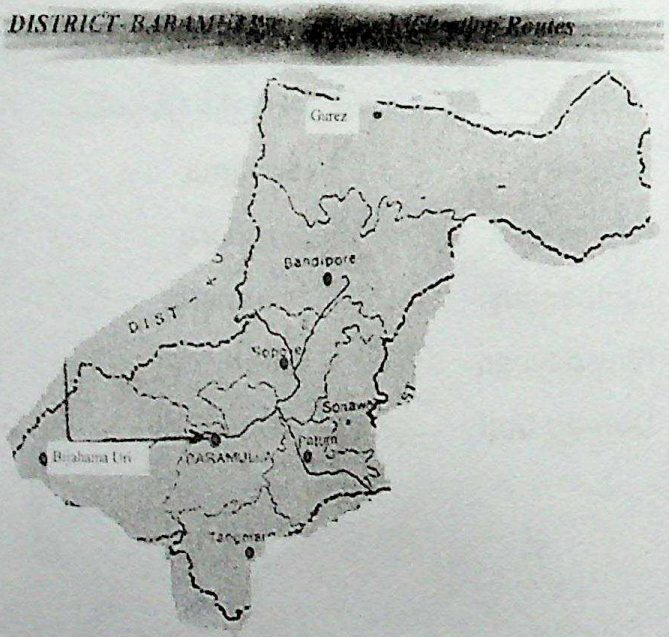
DISTRICT BARAMULLA Infiltration Routes



IMPORTANT INFILTRATION ROUTES:-

1. Nooi-pur Gali
2. Malangam Uri
3. Laghama Uri
4. Parampeela
5. Bijhama Uri
6. Nambla
7. Hatlanga

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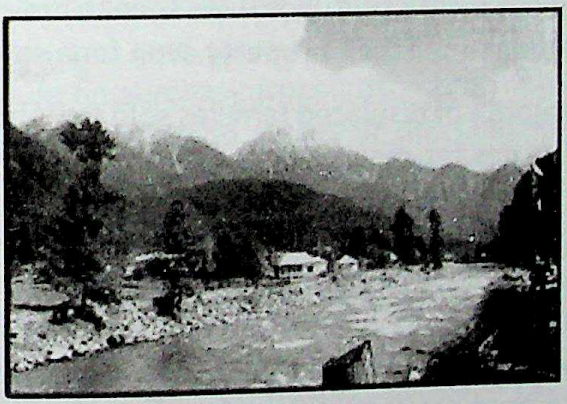
18

DISTRESS SALE



Migrants miss gurgling rivers

After majority of displaced people realised that, the chances for their return to the valley were remote they decided to sell their houses and land. Traders, whose shops were yet to be grabbed by the interested parties, started thinking of selling them at whatever prices were offered to them.

As news went round in the valley about displaced peoples' interest in selling their immovable property,

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majority of brokers from Kashmir descended on Jammu, Delhi and other State capitals, besides the towns of Punjab, Haryana, Himachal and UP. They got in touch with those displaced people who wanted to sell their immovable assets. They contacted several displaced people who had settled in Mumbai, Kolkata, Ahmedabad, Baroda and Bangalore for mediating between the sellers (Hindus) and the buyers(Muslims). Those whose houses and land were encroached upon were keen to find buyers after deciding to sell their property even for a song.

And majority of displaced families sold their houses, land and shops for meagre prices despite suggestions from the community leaders and some politicians against going in for distress sale. Interaction with a number of displaced people from Kashmir had revealed that they had a number of problems which had compelled them to sell their houses and land so cheaply. First, majority of those whose houses and land had been forcibly and illegally grabbed, preferred to sell their immovable property for whatever prices were offered to them. People in this category preferred poor prices to losing their property to encroachers.

Secondly, the displaced people had decided to purchase or construct houses or flats in the plains where they could lead a peaceful life without being insulted or inconvenienced by the landlords in whose room or rooms they were living as tenants. Thirdly,they had,after two to four years of exodus, come to believe that since the chances for their return to the land of their birth were

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remote, it was better to sell their property than to lose to the greedy grabbers in the absence of any protection from the Government. Fourthly, a large number of Kashmiri Hindus from the valley were in dire need of money not only for meeting their day to day expenses but also for the expenses of their wards who had succeeded in getting admission in professional colleges in various states in the country.

Even if the majority of displaced people sold their houses and land for meagre prices, they utilised that amount on purchasing or constructing houses or flats in various towns and states in the country, including Jammu, Udhampur, Delhi, Noida, Gurgaon, Faridabad etc. Following sharp price appreciation in the houses or flats they built or purchased in the plains indicates that the Kashmiri migrants proved wise enough, even by default.

I know scores of displaced people who were able to sell their houses and land for anything between Rs.10 and Rs.50 lakhs. And those who utilised this amount on purchasing flats in Delhi and other towns in the country between 1992-94, and even later, watched with amusement and delight the sharp escalation in the prices of their flats. A displaced family that purchased a three-bedroom flat in the plains for Rs. seven to Rs. nine lakhs somewhere in 1992-94, has nothing but delight in their eyes when brokers are ready to purchase the same flats for Rs. 35 lakhs to R.60 lakhs, indicating an eight-fold appreciation which they could have never imagined within the Kashmir valley.

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Hence I do not find any reason for the displaced people to regret their decision of disposing of their immovable property. One can say, barring exceptions, that displaced pople were wise enough by selling their immovable property even for a song. Yes, the only regret, rather physical and mental pain, is the loss of the land where their parents and forefathers were born and brought up. If majority of the displaced people sold their houses and land they did it lest their children should lose it as quickly as the morning dew with the advent of dawn.

If one reviews the entire issue of distress sales in the context of losses and gains, one may not hesitate saying that the displaced people were gainers in the end. If they lost anything that has been precious it is the land of their birth, a land of their dreams, a land where they romanced with nature and where they had shed tears over the demise of forefathers. Many among the Kashmiri migrants thought that if they delay sale deed of their houses or lands their progeny could face problems while establishing the ownership of the immovable assets through succession certificates.

Those who sold their houses were lucky when compared to those several hundred displaced families whose houses and shops were either torched by the militants or were damaged by them. The sellers were lucky when compared to those whose land had been grabbed by the greedy grabbers. There were a number of cases whose houses or land had been illegally occupied after forging sale deed documents. I know a number of

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cases but the case of Dr R.K. Taimeri's father is fresh in my mind. Taimiris,who hailed from Rainawari, had constructed a house in mid 80's at Shivpora in Srinagar, close to the bank of river Jehlum. When Tamiri's father met me, he was in tears while explaining that the occupant, a boatman working in the MES, had forged all the documents by recording witnesses testifying that Taimiris had received part of the money and the rest had been deposited in the court till the final settlement of the sale deed.

The boatman had started living in the house alongwith the members of his family. Taimiri's father filed a case in a court and on two occasions he had won it still the encaroacher was not ready to vacate the house. Taimiri's father sought my help in settling the case. My efforts failed to achieve the desired results because whenever the SHO and other police officials in Ram Munshi Bagh police station were asked to order the boatman to vacate the house he had encroached on, they were bribed by the boatman with the result the police report sent to the higher authorities stated "the encroacher is not traceable." However, after a few months Mohd. Amin Shah was appointed as Inspector General Police (Crime). He was a friend of mine and I met him and explained the case of Taimiri. He did not assign the task of throwing the boatman out of the house to the policemen posted at Ram Munshi Bagh station and instead summoned the boatman to his office where Shah threatened him with

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dire consequences in case he did not settle the dispute with theTaimiris. The boatman agreed, that too after the police authorities ignored a complaint lodged by the MES officials against what they called harrassment of one of their employees, and decided to purchase the House after paying money to Taimiri.

Whatever may have been the reasons and circumstances that had left no other alternative for Kashmiri Hindus but to migrate to the plains, the operation Topac, conceived,framed and implemented by Gen. Zia ul Haq in 1988-89 had been silent on the issue of forcing Kashmiri Pandits to quit the valley.

Yes, in the operation Topac there are instructions for the militants, local and foreign mercenaries, to incite or engineer communal riots and indulge in sabotage and subversion but there is no clear and specific instruction on forcing the minority community of Kashmiri Hindus to leave the valley. This indicates that the militants carried out, what the Panun Kashmir leaders call, ethnic cleansing of the vale of Kashmir. One thing is clear that Kashmir has never been a safe ground for communal riots because one per cent Hindus cannot fight against 99 per cent Muslims, whether with sticks or with guns. Instead of engineering communal riots, militants created conditions, through threats and through wanton killings of Pandits, which had forced Hindus to migrate to Jammu, from where majority of Pandits moved to various cities and towns in the country and some making it to the foreign lands.

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Possibly the vested interests in the majority community had felt peeved and perturbed over the way Pandits had grabbed a lion's share in the Central Government offices and the banks where the recruitment used to be done on the basis of merit. But when one compares the number of Muslims in the State Government offices and the civil Secretariat besides the Jammu and Kashmir Bank with the Hindus the question of enjoying a lion's share by the Pandits in Government offices and public sector enterprises did not arise at all. The vested interest that was behind carrying out ethnic cleansing may have thought by throwing Pandits out of the valley they could open bigger avenues for educated Muslim youths to get jobs in the Central Government offices and those in the state sector.

This is what happened. Soon after the migration of 3.50 lakh Hindus, which included more than 13,000 Kashmiri Pandit employees, the Government, to begin with, had to engage 10, 000 Muslim youths on contract basis for filling the void caused by the exodus of Pandit employees in various offices. After about a decade, the services of these Muslim employees have been regularised.

Between 1988 and beginning of 1990, militants, local as well as foreign mercenaries, had created so much scare and panic in the Kashmir valley that well meaning and well intentioned Muslims could not dare to intervene when Pandits were told to quit the valley. Even these

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saner Muslims were under the notion that the situation will improve within a few months facilitating Pandits' return to Kashmir. However, those whose hearts throbbed with militants and the cause for which they were fighting, large groups of Muslims had come to believe that either azadi for Kashmir or its incorporation with Pakistan was round the corner.

While waiting for the time when they would be able to go back to Kashmir several hundred Pandits, in exile in Jammu, died during the last 21 years. In the initial stages of the exodus over 200 Pandits died of snake bites, heat and sun stroke. Most of the people who fell dead because of snake bites, heat and sun stroke were those who had never moved out of the valley. After they leant to adapt themselves with the adverse weather conditions, like heat wave and humidity, they fell prey to stress, diabetes, hypertension, heart ailments, renal failure, Alzheimer's disease etc.

In view of pecuniary problems, many ailing people could not afford proper medical treatment. Others had to spend a fortune on health care without realising their dream of returning to their land of birth. And those who are still alive have come to believe that chances for their return to Kashmir were bleak. But they find no harm in keeping their hopes alive. After over 21 years' of deprivation and isolation, it is now a small section of displaced people who crave for returning to Kashmir. The rest are content with their lot. If not anything else, the exodus has enabled large segments of youth belonging

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to the displaced families to go in for studies in the professional colleges thereby ensuring for themselves highly lucrative jobs, which they would have never dreamt of had they and their parents not been forced to quit the valley.

Boys and girls of several thousand displaced families are now so much well placed and established in multinattional companies, public sector enterprises and other ventures that they would abhor the idea of going back to Kashmir where they may not be able to earn even one tenth of what they are earning outside Jammu and Kashmir. They may welcome an opportunity for visiting the land of their parents as tourists. But at the same time, if the state and central Governments are able to create an atmosphere conducive for the return of the displaced people, a few thousand families, especially those leading a retired life in the plains, people belonging to the rural areas, who have neither job nor any business venture, would willingly return to the valley.

What is more important than the Government steps for creating an atmosphere favouring return of displaced people, is the attitude of common Muslims in Kashmir, especially those who are on the other side of the fence. But these Muslims continue to be helpless because many among them, especially senior Government officials and businessmen, had gone through traumatic experiences when militancy was at its peak in Kashmir that they were

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forced to seek transfer to Jammu and the businessmen opened another outlets for their trade in other cities including, Delhi, Kolkata, MumbaiChennai, Baroda, Bangalore and other towns.

Many among them purchased flats and houses for the purpose of having alternate arrangements in case they too were hounded out of the valley. The affluent class among the Muslims sent their wards to go in for higher studies in various professional colleges in different states in India. Many among them, who were on the hit list of militants, have sent their boys to professional colleges in Switzerland, Australia, America, England and to the gulf countries.

If the Kashmiri businessmen, majority of them being Muslims, set up their shops outside the valley there was another reason for it besides threat to life. These rich businessmen had felt harrassed when militants kept on knocking the doors of their shops and houses for collecting hefty donations for the cause they were fighting for. These rich traders would have not felt the pinch had their business not touched a new low because of prolonged violence and subversion which had hit the tourist trade in the valley.

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Better job avenues for Kashmiri Pandit Displaced youth

Bunty Kaul, name changed, completed his BE from one of the Regional Engineering colleges in Punjab six years ago. Soon after he received his degree he got a job in the LG company on a monthly salary of Rs.14000 which was increased to Rs. 25000 a month within one year.

After serving the LG for 18 months he got a job in a reputed bank in Mumbai on a monthly pay package of Rs.1.25 lakhs. There are a number of Buntys among the Kashmiri Pandit displaced people who have, after the migration, succeeded in getting good jobs. Such a meteoric rise would have never been possible for Bunty and others if they had not migrated from the valley alongwith 3.50 lakh Hindus who fled Kashmir with the rise of militancy in 1990.

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Prior to the exodus the job avenues in Kashmir used to be very limited for the Pandits. During the pre-migration era Pandit boys and girls would crave for seats in engineering and medical colleges because neither any other professional career was known to them nor were they prepared to go in for any other course. Despite their hard work, just 10 to 15 students, belonging to the Pandit community would get admission in engineering colleges and five to eight in the medical colleges. And those selected for the engineering courses used to be sent to regional engineering colleges outside the state.

The rest of the educated boys and girls would go in for higher education in the universities and others used to remain content with jobs in the state and the Central Government offices besides the banks. But the number of Pandit boys and girls in the state services used to be quite small which is indicated by the fact that at the time of migration there were about 15,000 employees out of over 2.50 lakh serving in various state Government departments and public sector enterprises.

Between 1990 and 1993,Kashmiri Pandit students in Jammu, Udhampur, Nagrota and else were haunted by fears of academic and professional doom. Even after the exodus they were connected with the University of Kashmir,where the academic calendar had got upset because of militancy related violence; they were not sure when they would be able to complete their graduation

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and postgraduation. Those who were keen to complete the 12th standard exmination, which could entitle them to compete for a seat in the professional colleges, were not sure whether they would be able to finish the course on time.

What after the 12th standard examination? This question plagued their mind. Thanks to the Government of Maharashtra which reserved seats for Pandit students in scores of engineering and other colleges in the state, it opened new vistas for the Pandit boys and girls which enabled them to get 200 to 250 seats in engineering colleges not only in Maharashtra but in other states also.

A new awakening dawned on Pandit boys and girls when they found other professional courses open for them. There was no craze for seats only in *engineering and medical colleges*. Within next five to six years, after the migration Pandit boys and girls were seen coming out of the faculties of physiotherapy, Pharmacy, biotechnology, air hostess academies and those institutions that helped people to complete chartered accountancy or company secretaryship.

Others made their careers by successfully completing hotel management degree courses. Prior to the migration the number of Pandit boys and girls in the print and electronic media used to be quite small. Now we find Pandit boys and girls in each newspaper and electronic channel in vaious states in the country.

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A large number of Pandit youths are now well settled as professionals in various countries, including the USA, the UK, Canada, Australia, Germany, Switzerland, Russia and France. Even the post-migration era has not thrown open more jobs in the state services in Jammu and Kashmir. According to Panun Kashmir leader, Kuldeep Raina, during the last 10 years out of two lakh youths appointed by the Jammu and Kashmir Government, 500 belonged to the Pandit community. He stated that out of 500, about 450 Pandit boys were recruited as constables in the State police.

My purpose of citing Panun Kashmir leader's figures is to make those displaced people aware of the realities about better avenues for their wards after their exodus from the valley. Once they landed in Jammu and elsewhere they were worried about the future of their children. Many had fears that it would be a life of frustration and desolation for their boys and girls. But a better future dawned on majority of Pandit youths except for those who continued to live in Jammu and wait for an opening in some Government departments.

That opening has come towards the end of 2009 when Prime Minister Manmohan Singh, announced an employment package for the displaceed people from Kashmir under which 6, 000 boys and girls were to be given jobs provided they agreed to be posted in Kashmir. Under the package the wage bill for 3, 000 posts had to

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be met by the Central Government and for the remaining 3,000 by the State Government. The State Government expressed its inability to meet the wage bill for 3, 000 posts because of financial stringency. It sent a request to the central Government to bear the expenses of the remaining 3, 000 posts also. The response is awaited.

This way it was for the first time, since 1990, in the begining of 2011, that over 2, 000 Pandit boys and girls were given jobs in various state Government departments and posted in the valley under the Prime Minister's employment package. Against this, not less than 20,000 Pandit boys and girls have been able to get lurcative jobs in the private sector, in banks, in multinational companies in different states in India and abroad.

Hotel Management used to be a discipline unknown to a majority of Kashmiri Pandit youths. And those who knew it and its value were reluctant to join institutes which trained people in hotel management and hospitality and protocol. They had a wrong notion that hotel managment was meant for those boys and girls who had neither good academic qualification nor any merit. However, after the migration, the outlook of the displaced people changed and a number of their boys and girls completed hotel management and succeeded

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in getting lucrative jobs in the country and abroad, especially in Dubai and other gulf countries.

And those among the older generation in the displaced community who had fears of dark future for their children, after the exodus, have been amazed to see their wards doing well after completing MBA, BBA, MCA and PG Diploma in different streams. Nimble and nubile fingered Kashmiri Pandit girls, wearing ruddy cheeks, have excelled in computer programming and in call centres. Had the situation not warranted their exodus, they would have been seen cracking their polished nails on typewriters as clerks in private and Government offices.

I know a number of people belonging to the rural areas in Kashmir who would, with their children, eke out their living from farming, or from petty Government jobs or from small business ventures. Triloki Nath of Village Khrew, 25 kms from Srinagar, a retired employee from the state fire services, had two sons. Both the sons had set up a shop for repairing television, radio sets and tape recorders in the village. Since income from the shop was meagre, the younger son got a job in the Qaumi Aawaz, published from Lucknow and Delhi, which had set up its edition in Srinagar. Though he was not fully satisfied with the job, he continued till his migration to Jammu in 1990. Triloki Nath had two grandsons who were tiny tots when

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migration took place. Triloki Nath had never dreamt of his grandchildren becoming engineers. Both of them are doing well as engineers for the last over eight years. Before migration, streams like MBA, BBA, CA, BCA. MCA were unknown to a large number of learned Pandits.

In the context of these developments migration has been a bane for some but a boon for the majority of Pandit youths. Yes, those settled in the plains miss the cool breeze,verdent slopes, snow covered mountain peaks and the Mughal gardens and other resorts but this loss has been fully compensated with better career opportunities for their children. It has resulted in exposure of Pandits to new challenges. It is no longer a story of isolation of Pandits within the mountain surrounded valley where men and women had to remain content with pecuniary constraints.

Many among the Kashmiri Pandit youths are seen having breakfast in Delhi and dinner in London, and other foreign lands, when they travel as engineers, company executives and experts.

A sizeable section among them have become good business enterpreneurs. What is laudable is the way Pandit youths have made a name in various disciplines when they had no support, no props, no god fathers. Hence no need to shed tears on the losses they suffered

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when the circumstances warranted exodus from Kashmir. No doubt, a generation that suffered the pangs of exodus and the pain of separation from their kith and kin and their Muslim neighbours and friends, is dead. Theirs has been a story of trauma, tribulations, isolation and deprivation but the story of success of the next generation keeps hopes for better tomorrow alive.

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PANDITS MAKE MARK IN JOURNALISM

Though during the last over five decades Kashmiri Pandits have excelled in various fields, including medicine, engineering and scientific research, their contribution in the field of journalism, within Jammu and Kashmir and outside the State, has been highly valuable. In fact, Kashmiri Pandits were the first to take to journalism. Some pioneers in the field took to journalism as a mission. People like Kashyap Bandhu and Prem Nath Bazaz edited and owned newspapers for launching a campaign against social evils.

Though they had their political ideology, that brought them into conflict with the establishment from time time, they saw to it that their team of reporters and sub-editors treated facts as sacrosanct. Since early 30's when Kashmiri Pandits started entering the field of journalism, it was never an easy going for them. They had to do leg work and would not indulge in yellow journalism to boost circulation of their newspapers. While Kashyap Bandhu edited the Martand, instructions had been given to Kashmiri Pandits to save a handful of rice each day which

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later was collected, after a month, and sold to keep the Martand and the organisation alive.

From 1938 onwards, Kashmiri Pandit journalists, including editors of weeklies and Dailies, used to inform and educate people, who virtually lived in isolation in Kashmir, about political, economic and social events within the State and from other areas of the country. The scene during 30s in Kashmir was totally in contrast with what one has been experiencing since late 50s when the state registered mushroom growth in daily and weekly newspapers. Over 165 weeklies and dailies, in English, Urdu and Hindi are published at present in the state when in 30s Kashmir valley had one English newspaper "Kashmir Chronicle" which was edited and published by Gwash Lal Koul and a handful of Urdu newspapers, including Vitasta, Martand, Khidmat and Hamdard. The editors would bank on radio news bulletins for informing readers about national and international events. The rest used to be material related to the political, economic and social scenario in the valley.

Between 1932 and 1947, the main print media was in the hands of Kashmiri Pandits. Kashyap Bandhu, Gwash Lal Koul and Prem Nath Bazaz played a key role in making the print media vibrant which encouraged many a youngster to take to journalism. While Gwash Lal Koul had a brief stint with the Martand, he later concentrated all his energeies towards Kashmir Chronicle, which he owned and edited, Kashyap Bandhu had a chequered career in journalism. He went to Lahore where he was

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influenced by the Arya Samaj Reformist movement. In Lahore he was taken on the editorial staff of Vir Bharat, edited by Lala Lajpat Rai, where he learnt the knack of writing articles, news stories. On his return to Kashmir in early 30s he alongwith Prem Nath Bazaz formed Sanatan Dharam Yuvak Sabha. After Bazaz was thrown out of the organisation on charge of not having pleaded the case of kashmiri Pandits before the Glancy Commission Kayshap Bandhu ran the organisation for 10 years. It was during this period that he edited Daily Martand which was the official organ of Sanatan Dharam Yuvak Sabha of Kashmiri Pandits.

When he found that the then Director of Education K.G. Sayidain had adopted anti-Pandit policies in his department, Kashyap Bandhu and Prem Nath Kana, another legendary figure in the print media, reserved a column in the Martand in which the two devised a novel way of protest against Sayidain than by leaving the column blank with simply a black cross in the middle. The daily column ran under the caption of "Director Education Aur Hum," with a verse "Khamoshi guftagoo hai bezabaani hai zaban meri". Kashyap Bandhu had a powerful pen and his sense of humour and the art of painting social evils and omissions and commissions in the establishment in satire endeared him to people. Prem Nath Kana, who took over editorship of The Martand years later demonstrated his valour in exposing the wrong policies of the then establishment which brought the newspaper in confrontation with the Government.

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Soon after joining the National Conference in 1938 Kashyap Bandhu floated an Urdu Weekly "Desh" which continued for several years. After leaving Martand he edited Urdu weekly Kesari which was closed after publishing some issues. By temperament, Kashyap Bandhu was a rebel. He revolted against social evils prevalent among Kashmiri Pandits and as a journalist and editor, he launched a vigorous campaign against these evils and waste of money on weddings. Two more Kashmiri Pandits, Jia Lal Kilam, who later became a Judge of the High Court,and Amar Nath Kak, a prominent advocate, edited two Urdu weeklies, Qaumi Dard and Vichar. However, these two weeklies were not as popular as Desh, Kesri, Hamdard and Martand. Kashyap Bandhu's two columns Challant and Pagal Ki Diary attracted State-wide attention. Though a couple of Kashmiri Pandits printed and edited Bahar-e-Kashmir in Lahore, Kashyap Bandhu is responsible for laying the sound foundation for the growth of newspaper industry in Jammu and Kashmir.

Kashyap Bandhu, his original name being Tara Chand, was born in village Geeru in Pulwama district and initially he had worked as a petty revenue official before he left for Lahore where he edited Arya Gazette. Durig his time, Prem Nath Bazaz was another collosal figure in the print media. He too was a politician with an ideology that was not relished by Kashmiri Pandits. But his political ideolgy did not affect the quality of news in Hamdard which he edited and owned.

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In fact Hamdard, an Urdu daily, had become an institution for young apprentices, like J.N. Sathu and Nand Lal Watal, to learn the intricacies of Urdu journalism. Bazaz had exhibited the flare for powerful writing and for editing a newspaper during the time he spent in grooming Hamdard. He had the energy to go beyond the deadline for the newspaper to go to bed on a number of occasions. One was a late public address by Mohd. Ali Jinnah, founder of Pakistan, when he had visited Srinagar in 1944. He had deputed two cub reporters,including, J.N. Sathu, to cover Jinnah's address. The reporters reached office quite late but Bazaz saw to it that Hamdard carried the story the next day. And the next day and Hamdard made a mark because it was the only newspaper in Kashmir which had published a detailed story on Jinnah's speech in Srinagar.

During those days there were a number of other Kashmiri Pandits, besides Sathu and Watal, who had been editing or working in some newspapers. Dina Nath Chiken edited "Rahbar" and Shambu Nath Koul edited the Martand afer Gwash Lal Koul left the newspaper to float his Kashmir Chronicle but the contribution of Kashyap Bandhu and Prem Nath Bazaz in Kashmir's print media sector has been phenomenal.

Following the 1931 incidents, which the National Conference leadership treats as the beginning of the

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struggle for freedom from the Dogra rule, Maharaja Hari Singh imposed severe restrictions on the freedom of the press through the promulgation of Press and Publication Act of 1932. The Government could seize even the printing press where the news papers carrying anti-establishment stories were published. Had this Act not been promulgated, Kashmir would have registered further growth in the news paper industry. However, some newspaper owners and editors, including Gwash Lal Koul, started getting their newspapers printed in Lahore which were later distributed in the Kashmir Valley.

Before some Kashmiri Pandits started working for several newspapers, published from outside the Kashmir valley, Kashyap Bandhu, Prem Nath Bazaz and Gwash Lal Koul, used to feed the hungry readers with articles and news stories helping them to get educated and informed about the political, economic and social scene in and outside the state. Kashyap Bandhu was instrumental in raising the standard of the Martand and in this task he was assisted by Sham Lal Gurtoo, Som Nath Ogra, Sat Lal Sadhu, Badri Nath Mattoo and Ram Chand Abhai. In the late 40s the newspaper owners and editors were missionaries. Both Kashyap Bandhu and Prem Nath Bazaz propagated their ideologies and campaigned in favour of social reforms. After that journalism in Kashmir became more of a profession than a mission.

One cannot ignore the services of Nand Lal Watal, who started his career in the Hamdard under the guidance of

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Prem Nath Bazaz and later edited the Daily Khidmat till his migration in 1990, and Makhan Lal Mahav, who also spent several years in Khidmat. Nand Lal Watal had also edited Nav Yug for a brief time. And he remained associated with Khidmat since 1948, after Hamdard ceased publication. The editorials he would write displayed his intellectual calibre. He was a soft-spoken person who never was seen boasting. He was respected in political and media circles. Prem Nath Bazaz and D.P. Bhan was the only journalist of his time who later authored several books in English which continue to serve as reference material for research scholars. He was born in July 1905 and remained mentally agile till his end in 1984. When he had launched Hamdard in 1935, it was a weekly and he later converted it into a daily in 1943. His detention in 1947 and externment in 1950 after his release saw an end to a powerful Urdu daily.

In late 30s one Saligram Koul had started an Urdu daily Vakil. After several years Pushkar Nath Koul had inherited interest in newspaper industry from his father, Saligram Koul. In mid 80s Pushkar Nath started editing an English daily Samachar Post alongwith Vakil from Srinagar. After the migration of Pandits from the valley in 1990 Pushkar Nath's two sons, Kamlesh and Sushil, settled in Delhi, relaunched the Vakil and Samachar Post and added to it another publication Koshur Gazette.

It was in 1938 that a new chapter in the print media in Kashmir was opened when R.K. Kak joined the print media as a working journalist. During his chequered

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career, he worked for a number of newspapers, including the Statesman, Amrita Bazaar Patrika, The Hindu, The Tribune, the Milap and the APA. After his retirement from The Statesman, he joined the Motherland, an official organ of the Jana Sangh. He worked with the Motherland till it ceased publication in 1975 when Mrs Indira Gandhi imposed emergency. For several years, he worked with the Indian Express.

He was the first Kashmiri Pandit working Journalist who covered the 1947 tribal invasion on Jammu and Kashmir. He was known for his impartiality and intellectual honesty. His writeups were being read with interest not only by the people but by the official authorities in Srinagar and Delhi. He had covered important political events right from Jawaharlal Nehru's visit to Kashmir under the Dogra rule. He was the first journalist who through his writeups, brought to focus China's annexaton of central Asia.

He became an inspiration for those youngmen who joined the print media. Whenever foreign correspondents or those from Delhi visited Srinagar they would see to it that before filing their copies they consulted R.K. Kak. His emphasis on facts and his objective reporting usually would bring him in conflict with the successive Governments in Kashmir. I vividly remember the day when Bakshi Abdul Rashid, a cousin of Bakshi Ghulam Mohammed, visited his residence in Pratap Park area with a bag of money requesting him to stop writing against the Government. R.K. Kak lost his cool and after

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entertaining the junior Bakshi with a cup of tea, sent him away by telling him "I am not a saleable commodity." He was respected by people, political leaders and bureaucrats of various hues. In fact, R.K. dominated the scene for about 20 years till several Kashmiri Pandits appeared on the scene. Interestingly his grand daughter, Aruna Kak, also evinced interest in taking to journalism as her career. After completing a degree in Journalism she had a stint in the UNI in Delhi but after her marriage, she had to go to London where she is looking for an opportunity for rejoining the profession.

And since mid 60s, Srinagar had a galaxy of eminent Kashmiri Pandit journalists, some among them had been sent by the AIR and news agencies from Delhi. Those who had valuable contribution to the print media during the 60s and 70s included H.N. Kaul of PTI, and Som Nath Dhar (AIR). Before their arrival on the scene J.N. Zutshi also owned and edited Kashmir Sentinel for a brief time. He had a facile pen but he developed the Department of Information which he headed for several years. While on one hand young Kashmiri Pandits, including P.N. Jalali, J.N. Sadhu, J.N. Sathu, Shyam Kaul, O.N. Kaul, B.L. Kak, P.N. Tufchi and O.N. Ganjoo worked for several national and international news agencies and newspapers, several Kashmiri Pandits earned their name in the field of journalism outside the state. O.N. Ganjoo had worked with a number of newspapers, including the Hindu, Blitz, Free Press Journal and Milap. Before his demise in late 90's, he was a special correspondent of The Hindu in Jammu.

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For several years, J.N. Sadhu worked for the Indian Express in Srinagar. He was, later, transferred to Chandigarh and then to Shimla. He got settled in Shimla where he has been, after retirement from the Indian Express, working for several newspapers, includig Deccan Herald.

M.L. Kotru rose from the ranks in The Statesman where he finally retired as Resident Editor. He continues to be a free lance journalist. I remember having worked under him as a trainee in The Statesman in mid 60's when he was the Bureau Chief in its Delhi office. Those days a number of Englishmen worked as editors and news Editors and Kotru remained their darling because of his style of reporting. I am told that one day the Art critic of The Statesman was on leave and the editor deputed Kotru to cover a function connected with art and music when he had no expertise in the field. Next day he received appreciation from his bosses because his write-up was far excellent than the one written by the Art Critic in The Times of India. Till date he has been the only Kashmiri Pandit journalist who has received Magsaysay award for writing 40 features on the other side of Delhi in which he painted in words, like an artist with a brush, the plight of the downtrodden people.

Five other Kashmiri Pandit journalists, A.N. Dar, M.K. Dhar, T.N. Kaul, J.N. Parimoo and R.K. Mattoo have left an indelible impression on the mind of newspaper owners

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that Pandits could be an asset to them. A.N. Dar, M.K. Dhar, T.N. Kaul and R.K. Mattoo rose to higher ranks in The Indian Express, The Hindustan Times, Times of India and the Indian Express (Bangalore) respectively. J.N. Parimoo, essentially an expert on reporting on economic issues, worked with Times of India Group from Washington. Though majority of these prominent journalists had not come out of some Mass Communication or Journalism Departments, they picked up the skill by virtue of their knowledge of history of people and places where they worked. The meteoric rise of M.K. Razdan in the PTI is itself a proof of the inherent talent of Kashmiri Pandits. Whenever Mrs Indira Gandhi had to visit some foreign country she would see that Razdan was included in the press corps accompanying her. Among others who have won laurels in the print media include Sameer Kaul, Sumir Kaul and Arun Dhar. Arun Dhar's niece Aarti Dhar is doing a nice work as a special Correspondent in The Hindu in Delhi.

Back in Kashmir people like J.N. Sathu, Shyam Kaul, O.N. Kaul, B.L. Kak, P.N. Jalali, J.N. Raina remained a pole star in the print media Sector.J.N. Sathu had been externed from the state and once in Delhi he was arrested in connection with a bomb case. The miseries he faced in the jail had their impact on his health till his demise in Jammu at the age of 83. His career in the Hamdard ended when the newspaper ceased publication. After his release he started working for the Dawn, Civil and Military

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Gazette, published from Pakistan. When G.M. Sadiq took over as Chief Minister, Sathu's externment from the state ended in 1964 and he returned to Kashmir virtually as a pauper. He had to sell his ancestral house in Shopian for a song.

He worked for the Daily Telegraph London with which he remained associated for 30 years. He also worked briefly for the New York Times. In mid-80's he was appointed by the Deccan Herald as its correspondent. Even after migrating from the valley, he continued to report for these two newspapers. He and his intimate colleague B.L. Kak, who worked for Amrit Bazaar Patrika and then with the Newstoday, Malayam Manorama and the Week, had the distinction of feeding their newspapers with national and international scoops. The two were the first to report on an agreement between Pakistan and China on building the Karakorum highway, linking Beijing with Islamabad. They were the first to report on the opening of the Karakorum highway and Pakistan's preparations for manufacturing nuclear bomb.B.L. Kak worked for 10 years with the Daily Excelsior and before his demise, at the age of 63, he was working for Jammu based Early Times.

Though Shyam Kaul spent several years on reporting for the AIR, his writeups in several newspapers and magazines have exhibited the level of his knowledge and understanding of history and politics of the state. At present he is working for the National Herald and Quami Awaaz. He has a facile pen and his being well versed in

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Urdu language and literature, is his forte. He has authored a book which is a collection of a series of articles he has written in various newspapers and magazines. Shyam Koul and O.N. Koul had worked in the Kashmir Post for a few years. After the publication of the paper was banned, Shyam Koul edited New Kashmir Post which too was banned. He later was appointed as PRO in the PCC where he worked for about a year. As an able AIR broadcaster and reporter, he found time in writing articles on Kashmir's cultural scenario which were published in several newspapers, including The Times of India and The Statesman. He is known for his depth and decency in his writings.

O.N. Kaul has been essentially an expert on issues connected with economy. This has helped him earning a name while working for the Economic Times and Financial Express. At a later stage, he worked for Punjab Kesri, Excelsior and The Kashmir Times, published from Jammu. He has excelled as an orator. In fact he has been instrumental for improving editing in The Kashmir Times and the Excelsior.

P. N. Jalali's cotribution in the print media too has been worth appreciation. He had worked for the Patriot and the Link before he joined the PTI where he retired as its Bureau Chief in Srinagar. He had close association with prominent political leaders and bureaucrats in Kashmir. He continued to play a supervisory role in the IPA and the Mainstream in Delhi after he migrated from Srinagar.

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Another Kashmiri Pandit journalist who earned a name has been Mohan Chiragi. Chiragi has been the Editor of Quami Awaaz in Delhi since its edition ceased publication in Srinagar in 1991. His pen was as sharp as an unused blade and his editorials and political analysis were read in higher circles in the Government.

M. L. Kak appeared on the print media scene in Jammu and Kashmir in 1977 when he was transferred from Haryana and Himachal where he was a staff correspondent with The Tribune. His writeups on diverse topics evoked interest in several political quarters. His work in The Tribune was so much appreciated that he was given two extensions when he retired in 2000. It was for the first time in the 100-year history of The Tribune that the services of a staff correspondent were retained even after his retirement. His reporting in The Tribune on day-to-day events, coupled with analytical news pieces, in the Kashmir valley between 1989-1994 has been appreciated in higher political and media circles. Five other Kashmiri Pandits have made a mark in the print media and they are Ashok Pahalwan, M.L. Koul, P.N. Raina, T.N. Handoo and Shambu Nath Gorkha. P.N. Raina was the first Kashmiri Pandit to start a news agency under the name of Kashmir News Service (KNS). Later he owned and edited an Urdu Daily, Madre Kashmir in which he laid emphasis on investigative reporting and on crime. T.N. Handoo worked in a number of newspapers and ultimately joined hands with Maqbool Hussain to run a news agency called NFK which used to feed a number of newspapers in the State with exclusive stories.

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Shamboo Nath Gorkha too had a chequered career while working in several newspapers and before his migration to Jammu, he used to edit his own newspaper. Ashok Pahalwan has excelled in the field of objective reporting. He had started his career in Punjab Kesari and after migration he went to Jaipur where he was appointed a correspondent by the UPI and the Voice of America. Back in Jammu, he is at present associated with the Reuters and the Voice of America. He continues to be a well connected journalist. M.L. Koul too has brought credit to the community through his forceful writings in various newspapers. He spent most of his career in the AIR where he retired as Assistant Director News. The plight of Pandits used to haunt him and after migration he launched his weekly for a brief time. After his retirement, he edited the Jammu based State Times for a couple of years. He was a much sought after person for writing commentaries for the AIR and Doordarshan during the sessions of the State Legislature. Jagan Nath Khaibri and Sham Lal Sharda were two other journalists who found no qualms in highlighting the problems of Pandits in Kashmir. Sham Lal edited his paper Sharda in Jammu but never lost touch with Kashmir.

After the rise of militancy in Kashmir in 1989-90, scores of Kashmiri youths, some of them the product of the Mass Communication Centre of the Kashmir University, found jobs in various newspapers and news agencies. The advent of electronic media opened new avenues for Kashmiri Pandit boys and girls. The post 1990 era also saw women trying to outnumber men in

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the media sector. The first to jump into the electronic media was Ashwani Kumar who was appointed as correspondent by Aaj Tak in 1995. Prior to joining the Aaj Tak , Ashwani Kumar had worked for the Tribune, Chothi Duniya, AFP and the Sunday Mail. The electronic media attracted even a brilliant journalist, Ashok Ogra, who had a brief stint as sub-editor with The Tribune in Chandigarh. People may be surprised over the way Ogra resigned from the post of Director Doordarshan, Delhi to join the Discovery channel. He was the youngest Kashmiri Pandit to hold the post of Director in Doordarshan. Ogra's father, who had retired as Postmaster in Srinagar, was opposed to the decision taken by his son. But Ashok Ogra convinced him that he had calculated all the pecuniary benefits and had come to the conclusion that joining the Discovery channel could be more profitable than being in the Doordarshan. Ogra earned his name in various capacities while working with different companies.

The post-migration era saw a big crop of Kashmiri Pandits doing well in the print and electronic media. In Jammu itself we have, besides Ashwani Kumar, Ajay Bachloo, who recently quit Aaj Tak to join Star News, Sominder Kaul of ANI, Saroj Razdan, and Archna Khoshu of the Indian Express, Dr Kavita Suri of The Statesman, Vimal Sumbly of The Trbune, Anil Bhat and M.K. Bangroo(both working in PTI), Rajesh Bhat, Avtar Bhat, Sundeep Bhat, B.L. Kaul and King C. Bharti, working in Jammu based newspapers who have been doing a nice

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job. Vijay Malla worked for several years with Sahara newspaper and at present is the Director of a well reputed local agency, Kashmir Independent Press in Jammu.

A number of Kashmiri Pandit youths have carved out a niche in the sector of journalism. Nidhi Razdan, daughter of M.K. Razdan, General Manager of the PTI, has demonstrated her mettle while working in an electronic channel in Delhi. Simriti Kak, who after quitting The Tribune, has joined The Hindu, is a well known face in Delhi. I remember grooming Sanjay Kaw when I was editing weekly Greater Kashmir in Srinagar in late 80's. Though his stories were fine I had to hone them to make the stuff readable. He joined The Statesman in Delhi and after working there for several years, he shifted to The Times of India and at present he is holding a senior position in Sahara TV. Rakesh Khar, who was a student in the Department of Mass Communication in Kashmir University, where I used to guide them, started his career with the Jammu based Kashmir Times. He later joined an electronic news channel in Delhi where he was elevated to head a number of news programmes. Aasha Khosa is another woman who has exhibited her talent as a reporter and as a political analyst, first in The Tribune and at present in The Indian Express.

I also remember Seema Hakhu who had sought my help in entering journalism. For a brief time her writeups were published in Greater Kashmir, an English weekly, in Srinagar. I am told she had joined the PTI in Delhi and after marriage shifted to the United States where also she was writing for a news agency. Gargi Kaul is perhaps

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the first Pandit young woman to rise to the rank of news Editor. She is at present news editor of The Hindustan Times in Delhi. We have Aashima Koul, Anita Kaul, Nipa Chiragi, Sarla Handoo, and many others who have been making valuable contribution in the field of print media either as working journalists or as free lance writers.

M.K. Wangoo, Manohar Trakru, Ashok Handoo, Vijay Saqi and Ramesh Bhan have done well in the electronic and print media. While M.K. Wangoo, Ashok Handoo and Vijay Saqi have remained associated with the AIR and Doordarshan, Ramesh Bhan has risen to a senior position in the UNI in Delhi. Alongwith them, Pradeep Magzine has emerged as an expert on sports coverage. A large number of Pandit boys and girls, including Rahul Pandita (Sunday Express), Kaveree Bamzai (India Today Group), Sandeep Bamzai (Reliance Entertainment), Ajay Kaul (PTI) Aarti Tikoo, Shireen Bhan(CNN-IBN), Smriti Kaul(CSC-India), Sakal Bhat(Doordarshan ANI), Siddharth Zarabi, Rhythma Kaul (India Today Group), Amit Bhan (The Pioneer), Neeraj Santoshi(Indian Express), Aditi Bhan (India Today Group), Aditi Tandon (The Tribune), and Pummy Kaul (Financial Express) are well known figures in the print and electronic media. Death in a road accident put an end to the career of a brilliant journalist, Ashutosh Handoo, who was working in a leading newspaper in Delhi.

J.N. Bumbroo was the first Kashmiri Pandit to rise to the level of news editor in The Tribune and now his son, Sanjay Bumbroo, is a staff correspondent of The Tribune

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in Amritsar. Ashok Raina used to work for The Tribune and UNI from Anantnag district. After migration, he got settled in Palampur in Kangra district where he is with The Tribune and Aaj Tak.

After the 1990 migration from the Kashmir valley, various organisations of Pandits, settled in Jammu and other states, have made a valuable contribution in the field of journalism. We have series of magazines, including Koshur Samachar, Kashmir Sentinel, Aalav, Sundervani, AIKS, Naad, Vitasta, Harmukh and Khirbhawani Times where people, having flare for writing, have been contributing articles on history, culture, folklore, language, politics and other human interest topics in these magazines.

The beauty of these magazines lies in their success in informing and educating people of not only the day to day problems of the displaced community but about the community's rich heritage, culture, traditions and ancestry. Most of the writeups are from professors, doctors, Pandit journalists and historians.

The community cannot underestimate the contribution of several writers, who have not been journalists, by way of dishing out details on ancient religious places of Kashmiri Pandits, lineage of prominent Kashmiri Pandits and important events in the history and evolution of the community people. In this connection one cannot ignore the services of Ramesh Taimeri, B.N. Sharga, T.N. Dhar Kundan, Shiban Kachroo, Jia Lal Handoo, S.N. Bhat and those who are regular

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contributors in Koshur Samachar, Kashmir Sentinel, Naad, Sundervani, Aalav and other magazines. T.N. Dhar Kundan was the founder editor of Aalav. He has been contributing articles on diverse topics in various other newspapers and magazines.

The main purpose of a newspaper is to inform, educate, guide and entertain people. In this respect, the Kashmir Sentinel, which is the official organ of Panun Kashmir, a premier organisation of Kashmiri Pandits, is on the top.

Newspapers, owned and edited by Kashmiri Pandits, and those comunity people working for newspapers and news agencies highlight the problems being faced by the minority community. The Pandit working journalists have their limitations as they could not take sides but editors and owners of newspapers like the Martand,the Nav Jeevan,Vakil and Hamdard, from early 30s to late 40s, campaigned against the plight of Pandits. A couple of working journalists reporting for newspapers, like Milap and Pratap also filed stories on the level of the raw deal Pandits were getting from the Government.

These working journalists and those editing their newspapers within the valley were the only people who reported on the Roti agitation which the Pandits had launched for seeking better job avenues.Had not these Pandit journalists and editors shown the courage in reporting events, factually, during the Roti agitation, this important event in the history of Kashmir may have gone

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unnoticed because the Government had engaged the services of those newspapers, owned by Muslims, in painting the agitation in black.

The Pandits in the media sector did their job commendably during 1931 happenings or during the 1967 agitation over forcible conversion of one Pandit girl Parmeshwari. These events got space even in national and international newspapers and news agencies because the Pandits had a monoply in the print media.

The Pandit domination in the print media was not only the result of their high literacy rate but also Muslims would not prefer taking journalism as their profession as those days it was not lucrative. Whether working in Srinagar-based newspapers or in the national newspapers and news agencies, journalists received a pittance. Even a former Chief Justice of Jammu and Kashmir High Court, Mr B.A. Khan. told me in Srinagar in mid 80's "yours is a *(Bechha)* beggar's profession." He said "when I worked for the Link and Patriot, I would not earn money which could be sufficient even for my breakfast." Things on this front have changed.

A large number of Kashmiri Muslim boys and girls have now adopted journalism as their profession. But if one goes by numbers, one finds more Pandit boys and girls serving in the print and electronic media outside the state than the Muslim boys and girls who are otherwise doing well within the valley.

Many young men and women have taken to

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journalism as it is not only a lucrative one but provides an opportunity to rub shoulders with VVIPs in politics, trade and industry. However,when people like Kashyap Bandhu, Prem Nath Bazaz, Prem Nath Kana, Saligram Kaul, R.K. Kak and others joined the print media they were motivated by a mission and purpose. They wanted to serve people by raising issues that bothered them. Whatever may be the motive of those Pandit boys and girls, who are in print or electronic media, they have proved an asset to their employers.

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STATE SUBJECT CERTIFICATES NO LONGER RELEVANT FOR THEM

For Dr Alpna Saraf, settled in California,after her parents migrated from the Kashmir valley to the plains in 1990, the state subject certificate has no meaning. The certificate has no requirement for her. The case is similar to C.N. Saproo settled in Bangalore. Arti Bhan, settled in Michigan and several lakh displaced people from the valley, who were forced to flee from their ancestral homeland following the rise of Pakistan-sponsored militancy in the border state, also do not need the state subject certificate now.

Prior to the exodus of over 3.50 lakh Hindus from the scenic valley, the state subject certificate was as important as any scripture. A large number of people had to strive hard and even spend money for procuring permanent resident certificates from the Revenue authorities. Why? Under the 85-year old law, people in Jammu and Kashmir could buy or sell immovable property only if they are in possession of state subject certificates

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Not only this. Educated youth in the State can go in for higher studies in the professional colleges in Jammu and Kashmir only if they have a proof of being permanent residents of the state which they can do by producing the State subject certificates. And those educated youths wishing to seek jobs in the State Government departments can succeed provided they attach state subject certificates with the application forms.

Ask Madan Lal, who lives in Faridabad in Haryana after migrating from a village in Kashmir in 1990, about the efforts he had put in for procuring state subject certificates for himself, his wife and two daughters. He says "even being a bona fide resident of Kashmir I had failed to get these certificates even after bribing Revenue Department officials. Later, the then Deputy Commissioner of Srinagar, Ghulam Qadir Pardesi, and subdivisional Magistrate, T.K. Raina, with whom I had friendly relations, got the certificates delivered to me at my residence."

He adds "on the basis of this certificate I was able to buy a plot of land in Bagh-e-Mehtab in Srinagar and later in Jammu. This very certificate helped me to sell the same plots after my children got settled in Haryana." "Neither I nor my children need these certificates because we have no intention of moving back to Kashmir," Madan Lal says.

Alpna Saraf has no regrets over the loss of her state subject certificate. She says she lost it in transit and "I do not require it because I am settled in California where for seeking a job or buying a house or a plot of land

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one does not need to produce the state subject certificate." When told whether her parents require the state subject certificates, Alpna says "No, they do not because they are settled in a town in Uttar Pradesh for the last several years."

But for Kashi Nath and Janki Nath, who are settled in Jammu since their migration from the valley, state subject certificates are still relevant. They have built their houses in Jammu and they have no plan to join their two sons who are settled in Mumbai. We have preserved the state subject certificates because we know whenever we plan to sell our houses in Jammu, we cannot do it unless we produce the state subject certificates," they say.

Displaced people from Kashmir would have found the need of procuring and preserving state subject certificates had it been made mandatory for those receiving cash incentive and free ration. Ashok Kumar Koul, who retired last year, applied for cash incentive from the Government because as an officer in a state run public sector undertaking, he was not entitled to any pensionary benefits, got his work done not on the basis of a permanent resident certificate but on the certificate issued from the corporation, he was working with, testifying that he was not drawing any pension.

State subject certificates are being preserved by those Kashmiri Pandit migrants who, despite having settled in areas outside of Jammu and Kashmir, have not sold their houses and land in the valley. But the number of such

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displaced people can be counted on finger tips.

Leader of Panun Kashmir, a premier organisation of displaced people from the valley, Kuldeep Raina, says "after the migration of Pandits from the Kashmir valley, the relevance of state subject certificates for the community has been lost." Explaining it, he says that "between 1996 and 2010 not more than 500 Pandit youths were able to get jobs in the State Government departments, majority of them in the police and since the last one year over 2,000 educated youths of the community got jobs under the Prime Minister's employment package for the displaced people." That is all.

The rest of the educated youth have no need for the state subject certificates as majority of them have,after going in for higher education and training in professional colleges across the country,got lucrative jobs in areas outside Jammu and Kashmir. Several thousand Pandit youths, according to Raina, are settled in various foreign countries.

For all of them, the relevance of state subject certificates is totally lost because neither they have any inclination to return to Kashmir nor the state of Jammu and Kashmir can offer as many lucrative jobs as they have got it outside their homeland.

If the Dogra ruler enforced the state subject law since 1927, it was done with a purpose. There were fears that

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highly educated people from the neighbouring states could get an opportunity for grabbing majority of jobs in various Government departments in Jammu and Kashmir leaving meagre scope for the local educated youths to find recruitment in these departments. Secondly, there were apprehensions that rich people and families from outside the state could buy immovable assets, especially houses, land including farms and orchards, leaving the local people to suffer

The biggest fear was that various rich business houses in the rest of the country could buy vast chunks of land in the world famous tourist resorts in Kashmir which include Pahalgam, Gulmarg, Sonamarg etc. To check it, the successive state Governments saw to it that the state subject law was enforced strictly.

After the end of the Dogra rule in 1947-48, the successive State Governments were more careful in enforcing the various provisions of the state subject law than the Dogra ruler because the National Conference leadership, as had been the case with all the Kashmir-centric political leaders, whether in the mainstream or in the separatist camp, harboured fears that if the state subject law was not enforced strictly, it could result in change in the state's demographic character.

The National Conference leaders and other valley centric politicians, apprehended that a large number of non-Muslims, from the neighbouring areas of Jammu and Kashmir, could seek Government jobs and buy houses

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and land for settlement in the state which could change its Muslim majority character.

Even if it could not lead to change in the demographic character of the State, refugees from Pakistan settled in Jammu, after crossing into the state between 1947 and 1965, were denied state subject rights. They have been given land and houses by the Government but without any proprietary rights. They can vote during the Lok Sabha election but not for the Assembly poll.

They can join any professional college in India but not the one in Jammu and Kashmir and they cannot apply for Government jobs in the state because they do not have state subject certificates. In fact they are not entitled to get covered under the provisions of state subject law.

They could have been entitled to get state citizenship had the Government amended the State constitution. It has not been done because the successive ruling party or the ruling coalition has been opposed to grant of citizenship rights to the refugees from Pakistan.

Panun Kashmir leaders plead for grant of citizenship rights to the refugees from Pakistan whose number has now dwindled to a few thousand thereby leaving no scope for them to alter the Muslim majority character of the state.

They also want the State Government to adopt lenient views while issuing state subject certificates to those handful of displaced people from Kashmir who need them or for whom its relevance is not lost.

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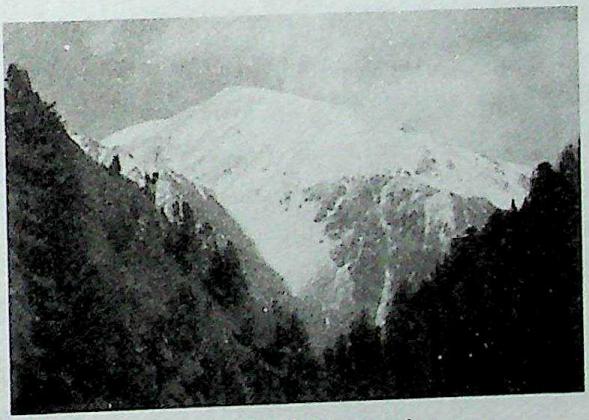
NOT FAR AWAY FROM HOMELAND MEMORIES



Snow Clad Mountains

They are away from the land of their birth. They have been far away from their homeland since 1990. Still the displaced people from the Kashmir valley continue to be haunted by the verdent slopes, dancing cascades in the Mughal gardens, snow covered mountain peaks, song of the streams and the runnels and the season of mellow fruitfulness.

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These displaced families carry bitter memories of their exodus while trying to settle in the plains and within minutes they are nostalgic about the days and years they had spent in the valley which is dotted with meadows, lakes, rivers and thick forest belts.

I too have feelings similar to the one being experienced by the second generation of the displaced people. The first generation of the displaced people is dead. The second generation of the internally displaced people is on the verge of getting a call from hell or heaven. Some have died just within one to two years of the exodus because of snake bites, heat and sun strokes, and others ceased to exist on account of heart and kidney ailments, hypertension and stress, diabetes, physical and mental disorders linked with growing age.

Like the first generation the second generation of the displaced people too have suffered the pangs of exodus. The former failed to reconcile with the new environment, rather a hostile weather-related environment, the latter having learnt to adjust with the new atmosphere and the circumstances.

The third generation is not plagued by any emotional distress on account of having lost the motherland as boys and girls belonging to this generation have done well and continue to do well in their professional fields.

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The fourth generation is overburdened with the spirit of competition it faces in the educational institutions and with the rising aspirations for life that is full of wealth, fame and luxuries. It has no pain of being away from the land of its ancestors because people belonging to this generation were born in the plains after the exodus.

They have no knowledge of the valley and usually know some tit bits about Kashmir from the tales they had been told by their parents and grandparents.

While I was usually concerned about the fate of my people belonging to the first generation of the displaced people, I am equally concerned about the plight and about the aspirations and emotional stress people of the second generation, I mean people of my age, are going through.

Whenever we are troubled or tormented by excessive perspiration during the weak monsoon or frequent power breakdowns or load shedding, we feel a shiver down our spine the moment we are reminded of the foggy Aharbal waterfall in Shopian in south Kashmir.

Our eyes become misty when we roam mentally, around the waterfall. With the day temperature touching over 45 degrees celsius, we are effortlessly carried to Gulmarg and Pahalgam where during the winter the

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icicles, hanging by the roof top of huts and the walls, could moisten our mouth till a chill would thrill us.

Drinking water scarcity has troubled us, whether we are in Jammu, Punjab, Haryana, UP, Bihar, Odhisa, Madhya Pradesh, Rajasthan or West Bengal. Whenever drinking water supply gets affected, we are carried to our homeland where we had round the clock supply of drinking water. And those from the rural belts of Kashmir continue to cherish days and years when they and their ancestors would drink pure and sweet water from the springs and ponds.

We miss the clubs and bars in Srinagar where people, irrespective of age, colour, religion and profession would sit over a glass of whisky or beer and discuss political developments not only in Pakistan but in Mexico, Argentina, China, Afghanistan, Russia and the United States.

Hardly any discussion on sex. Debates on poets, novelists,saints, shrines, physicians, politicians, their pranks and prejudices were common. We have not forgotten sudden change in the atmosphere that bordered on pleasure devoid of mischief right from the day the militants carried out two explosions, one outside the Central Telegraph Offfice and the other at Srinagar Club on July 31,1988.

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This was followed by ban on sale and consumption of liquor. Liquor shops were attacked. I remember a late evening in the summer of 1989 in a bar near the Regal chowk, there were nearly 20 people sitting and sipping whisky or beer, It was scare outside but it was peace inside the bar. Lo and behold! two bearded youngmen entered into the bar, dropped whisky or beer filled glasses on the cement floor, one by one. All glasses crashed on the cement floor and so crashed the dreams of the tipplers inside the bar .

The attackers said nothing. They spoke nothing. They did not utter a word. Their actions spoke volumes about the outfits they belonged to, about their ideologies, about their love for fundamentalism and about their determination for bringing about a revolution. What type of revolution? Possibly they had no knowledge. Revolution for what? Presumably they had not been sounded on that. They had been assigned the job of entering into the bar and breaking the glasses, filled with "beaded bubbles winking at the brim" which was enough to force people to adopt prohibition.

I cannot forget my friends and foes moving from one corner of Srinagar city to the other to find out if one could get a bottle of liquor from a half-shut shop or can have a drink or two in a half-opened bar. I shall be ungrateful if I forget about Radha Krishan Razdan, owner of a shop selling liquor and garments, who would

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preserve three to four bottles of whisky for me. I would carry these bottles to the flat, where I lived, late in the evening.

It is not all the time hell for the displaced people in the plains. Atleast we feel we are better than those living in Kashmir where our women would shudder and their hands shiver while washing clothes and utensils in ice cold water.

We are no longer troubled by frostbite, frequent cough and cold in the plains. Yes, we feel huddled in two to three-room flats when we had been used to live in three-storeyed houses with sprawling courtyards and gardens around them.

Most of us have devised a technique for keeping ourselves engrossed with our past culture by switching on casette recorders. We are lost in the realm of Kashmiri songs and music. We feel regaled by the melodious voices of Kailash Mehra, Shameema Dev, Deepali Wattal, Sunaina Kaul, Nighat Yasmeen, Aijaz Rah, Qazi Tauqeer, Dhananjay Koul, Krishan Langoo, Vijay Malla and others.

We may fly "on the wings of poesy" or not but we are transported to a world of our dreams where we do not feel uncomfortable with people speaking Bengali, Tamil, Punjabi or some other dialect.

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We lose touch with our environment when we hear ***"rindh poshmal gindney draaye lo lo"*** *(playful Poshmaal out to play)* on the cassette recorder. Even the humid weather holds no threat to us when we listen **"Karyo *manz jigras jaaye chham no maaye mashaani"*** *(let me carve out a place for you in my heart as my love for you is unforgettable).* I like the verse, the tone and the music of the song. I leave it to Prof. Rehman Rahi and Prof. Hamidi Kashmiri to explain the pain the poets have suffered while giving vent to their feelings.

At times I get jolted out of my reverie when my granddaughter, Ahana, switches off the cassette recorder to listen to Western songs. Kailash Mehra and Shameema Dev hold no charm for her. She is fond of listening to Lady Gaga,Solena Gomez, Jenifer Lopez and Beyonce. Ahana and kids of her age are not to be blamed for such action because they are neither born in Kashmir nor brought up in the valley. They have no knowledge about Kashmiri language. Hence a song like ***"az roz saane dilbar miyane"*** *(stay with us my beloved today)* has no meaning or charm for kids like Ahana.

I cannot but derive deep pleasure when I listen to ***"mati roz dama roz daren chaniye lo larey. Chhon daar bungri garem chaniye lo larey "****(stay my beloved for sometime as I am on fast for you.* I have worn clinking bangles only for you)

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If we, the displaced people, have lost the earth's paradise, which has been reduced to a hell, we gained self-confidence. Like Columbus we have explored new areas, new states and new countries. Our vision has been broadened. Still we pine for a reunion with those whom we left behind in the valley so that "we all play together in the garden of flowers."

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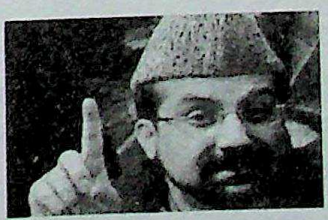
WILL FREEZING OF KASHMIR FREEZE SEPARATISTS' FORTUNE ?

Prof. Abdul Gani Bhat

Syed Ali Shah Geelani

Mohd. Yasin Malik

Shabir Ahmed Shah



Molvi Umar Farooq

Series of experiments, political and administrative, have been carried out for resolving both the internal and external dimensions of the Kashmir issue right from 1947 to 2011 when the Union Government constituted a three-member team of interlocutors.

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Various accords and agreements have been finalised between the Government of India and the leadership in Kashmir and between India and Pakistan during the last over 50 years but each accord has been followed by discords.

Hence one can say, on the basis of the fate of previous accords and agreements, that the Kashmir issue is insoluble. None other than Pakistan's former Foreign Minister Khurshid Mahmood Kasuri, who is now heading a task force on Kashmir constituted by Pakistan Tehreek-e-Insaf (PTI) has said there can be no "perfect" solution to the Kashmir issue which can be acceptable to all. "There can never be a solution which will be acceptable to cent per cent of the people in Kashmir and in Pakistan. There is never going to be a perfect solution," according to Kasuri.

What then is the alternative? Atleast in the interest of peace in South Asian region, the Kashmir issue needs to be frozen. Politicians favour freezing of the Kashmir issue for a period of 10 years but if a decision is taken about freezing the issue, it should be for an indefinite period.

Will freezing Kashmir issue freeze political fortunes of separatists in the valley? If the Kashmir problem is kept under the carpet, will it deprive Islamabad and all the anti-India agencies, operating in Pakistan and occupied Kashmir, of the juicy issue that has been utilised by the successive Governments across the LOC for diverting peoples' attention from the real issues?

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These questions have seemingly cropped up in Jammu and Kashmir and in Pakistan is administered Kashmir where all those political leaders who do not accept Jammu and Kashmir state's accession with India as final and irrevocable, have grown uneasy following recent reports indicating that moves were afoot to freeze Kashmir issue for a period of 10 years. Those non official players who have been trying to persuade New Delhi and Islamabad to accept the freezing plan in the interest of peace, argue that this could be the only way to ensure violence free South Asian region and its progress.

Though the idea for freezing the Kashmir issue for a period of 10 years has been mooted during discussions between non-official players in India and Pakistan, leaders of various separatist outfits in Kashmir have voiced their opposition and objection to this idea.

As far as the back channel diplomatic exercises on promoting peace in the South Asian region are concerned, keeping the Kashmir issue in the cold storage for 10 years is one of the options suggested by those engaged in track two diplomacy. In fact the idea on freezing the Kashmir issue had been mooted from time to time and what had lent some credibility to the plan was the way President Asif Ali Zardari dished out the idea soon after he assumed power in Islamabad in 2008. Zardari had stated that in the interest of cordial ties between Pakistan and India and peace in the subcontinent, he would even keep aside the Kashmir issue.

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When the idea of Kashmir issue being kept in the cold storage started doing the rounds in recent days, it rattled the separatists. Syed Ali Shah Geelani, who has been critical of Islamabad since Gen. Musharraf's plan on trade and travel, was the first to oppose any plan on freezing the Kashmir issue. He does not want Islamabad to attach importance to trade and travel but give weightage to the settlement of the Kashmir issue.

Sources close to Geelani say that the seniormost separatist leader does not want Islamabad to give up its diplomatic, moral and political support that has been given to those engaged in the campaign or struggle for settling the Kashmir issue either through the implementation of the UN resolution of 1948 or through tripartite talks. Geelani does not wish Islamabad to agree on freezing the Kashmir issue in the context of the ongoing political, economic and security instability in Pakistan. He knows it fully well that with Pakistan being rocked by internal strife and other political problems, Islamabad may not be in a position to talk to New Delhi on Kashmir from a position of strength. That way Geelani may favour Islamabad to go slow in the Kashmir centric talks till all the major internal difficulties being faced by Pakistan were resolved.

The JKLF Chief, Mohd. Yasin Malik, has opposed the idea of placing the Kashmir issue under the carpet for 10 years. He said that it was not possible to freeze the Kashmir issue. He said freezing of Kashmir issue was "not acceptable to us". He suggested to the international

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community to prevail upon India and Pakistan to settle the Kashmir issue through tripartite talks.

A senior APHC leader,Prof. Abdul Gani Bhat , said that keeping the Kashmir issue in the cold storage is not possible. He said that those who are of the opinion that if the Kashmir issue was allowed to freeze it would generate peace were suffering from illusions and delusions. He added peace " in South Asian region is linked with the settlement of the Kashmir issue. Hence in the interest of peace, measures be initiated for the settlement of the Kashmir issue,"

Field reports say that while majority of people in the Kashmir valley are for freezing the Kashmir issue which could promote peace and cordial ties between India and Pakistan, needed for economic growth, separatists of all hues are outwardly opposed to it. The reason being that even if the Kashmir issue is kept on the back burner for 10 years these separatists may be forced to shut their shops which have thrived during the last several decades. For these separatists freezing Kashmir issue may mean freezing their fortunes and hence they would not allow the problem to be kept under the carpet. Instead they would give teeth to the campaign for securing settlement of the Kashmir issue which alone could ensure their survival in politics.

Well it is not only the prominent separatist leaders who are opposed to the idea of keeping the Kashmir issue under the carpet but also those who have earned

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fortunes from the unsettled Kashmir issue. Right from 1948 onwards, the vale of Kashmir has been a playfield for international conspiracies. Apart from the conspiracy being hatched by India's known enemies, Pakistan and China, even some western nations have been found meddling in the Kashmir affairs.

If Islamabad has been seen adopting inflexible postures vis-a-vis the Kashmir issue, it is the result of direct and indirect moral, material and diplomatic support it has received from some western nations besides China during the last several decades. Having fought resultless four wars, including the Kargil misadventure of 1999,Pakistan has set the stage for various international intelligence agencies to establish their network in and around Kashmir. One need not feel amazed if one is told that three top intelligence agencies, the ISI, the RAW and the IB, have been spending huge sums of money on their field sources in Kashmir.

Active role by the sleuths and senior functionaries of these three intelligence agencies have opened vast opportunities for people of Kashmir to earn wealth without sweat dropping. Apart from the heavy financial support a big chunk of people in Kashmir received from these intelligence agencies, those connected with the campaign for keeping the Kashmir issue alive have been beneficiaries of the regular funding from pro-Pakistan forces and agencies in the Gulf, Middle East and in some westerm countries.

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Seizure of hawala money during over two years has indicated that a section of people, besides the separatists, have been receiving heavy sums of money through these hawala transactions. Those who talk about the fortunes separatists and their supporters in Kashmir have made during the last 21 years of Pakistan supported insurgency, do refer to the palatial houses these separatists have built in Kashmir and elsewhere in India. In support of their contenion they refer to the high standard of life of these separatists and their followers.

Those who talk about the costly and latest gadgets used in the houses of separatists besides luxurious cars they use for travelling from one place to the other within the valley, say that all the money spent on these luxuries has been flowing in from various agencies and quarters.

If on the one hand the vale of Kashmir has witnessed death and destruction on a large scale in the militancy related violence during the last 21 years, on the other the same scenic valley has registered a phenomenal and unprecedented upswing in the growth of new shopping centres and eye catching residential colonies. The display of foreign gadgets, consumer items, garments, perfumes and even cars can be found in the shopping complexes and the automobile sales centres.

If those who do not support the theory of flow of easy money from various agencies for keeping the Kashmir issue alive argue that increase in production and export of fresh fruit, dry fruit, saffron and handicraft items have

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brought about economic prosperity resulting in the mushroom growth in shopping complexes and residential colonies, these sceptics need to be told that export and production of fruit, saffron and handicraft items from Kashmir has been a century old practice.

These sceptics need to be told that when major fall in the tourist traffic, because of militancy, to Kashmir had hit the state's economy how was it possible for people to generate resources for setting up new shopping centres and residential colonies? That the Kashmir issue is a money spinning game can be understood if one watches closely the level of expenses separatists incur on maintaining their party headquarters and the expenses they willingly bear on maintaining the fleet of vehicles they own. Have such economic developments taken place on a non-governmental front or in the private sector in countries, including Afghanistan, which have been tormented by terrorism? Certainly not. Hence swearing in the name of unsettled Kashmir has seemingly become a lucrative business in Kashmir. It is, therefore, understandable that majority of separatists vehemently oppose any plan on freezing the Kashmir issue.

And if Asif Ali Zardari had in mind the idea of keeping aside the Kashmir issue in the interest of promoting cordial ties with India, the same idea has not received any support from those who matter in Islamabad. Having got the hint from the separatist camp in Kashmir opposing any move to shelve the Kashmir issue for 10 years, former Pakistan Prime Minister, Mohd. Yousuf Raza

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Gilani, had recently announced that Islamabad was keen to increase the level of trade with India but he would not support any idea on freezing the Kashmir issue.

Prof. Bhat, Mohd. Yasin Malik and Syed Ali Shah Geelani, besides Shabir Ahmed Shah, do not support the theory being propounded by those engaged in back-channel diplomacy that peace and economic growth in the South Asian region can be achievable once the Kashmir issue was kept under the carpet.

These separatists firmly argue that if India and Pakistan have inherited the legacy of conflict and mistrust it is all the result of unsettled Kashmir. They argue that keeping the Kashmir issue on hold is not a solution to the problem and freezing Kashmir issue may kick up new political row and security problems.

Whether their contention is tenable or not, freezing the Kashmir issue may result in choking of those channels through which funds flow freely into Kashmir.

Cynics in Kashmir say "if the Kashmir issue is kept on the back-burner, the number of unemployed people in Jammu and Kashmir may swell from six lakhs, at present, to over 10 lakhs." Naturally separatists and their followers may not like facing unemployment itch once the Kashmir issue is frozen.

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The author has worked as a journalist in the states of Haryana, Himachal and Jammu and Kashmir since he joined the Tribune in 1968 at the age of 28.Prior to the joining The Tribune as a staff correspondent the author has worked in The Statesman as a trainee for over two months and for a brief time worked with the Lok that was published in New Delhi for a brief time. Later worked as a stringer for the Indian Express in Chandigarh.

After receiving postgraduate degree in English literature from the University of Kashmir and Diploma in Journalism from Panjab University Chandigarh the author took up a regular job in the Tribune where he rose to the level of Special Correspondent.

When the internal emergency was imposed the author was one among the top journalists and political leaders who were arrested on the morning of June 26,1975 and detained in Hisar Jail from where he was transferred to Srinagar central jail as a result of intervention by the then Chief Minister, Sheikh Abdullah.

Out of his career as a journalist spanning for over 40 years the author has spent 32 years in Jammu and Kashmir which helped him in achieving high degree of experience for reporting on day to day political and security related events.

The author has written series of articles for two magazines, the Field Marshal and the Power Politics. In late 80's his column in the Jammu based Kashmir Times, slugged "out of the frying pan",was appreciated and liked by the readers. After retirement from the Tribune he has been writing special stories for a Jammu-based newspaper and a news agency

The author has already written one book titled "Jailed Without Crime" which deals with the Emergency imposed in 1975.The book received excellent reviews and attracted good market.

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